

American Democracy and Catholic Doctrine

BY

Sylvester J. McNamara, M.A.

International Catholic Truth Society

407 Bergen Street

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A Study in the Origin and Development of Democracy

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PREFACE

No attempt is made in the following pages to give a complete historical or philosophical exposition of the subject discussed. It would take volumes to do that. Only a partial historical or genealogical outline of the development of democracy is recorded, with some of the contributions made by Catholicism to that development.

The author claims little, if any, originality in his treatment of the subject. He has mostly compiled what has been better said or written by others.

There are two excuses to be offered for the treatise. First, the woeful lack of knowledge of the average Catholic layman of the great debt democracy owes to Catholicism. If what follows dispels some of that ignorance, it will not have been written in vain. In this it hopes to be constructive. Second, the oft-repeated and unjust claim that democracy and modern civil liberty are the results of the philosophy of the Reformation or the teachings of the reformers of the sixteenth century. In this it hopes to be destructive.

The author takes this opportunity to acknowledge with gratitude the many suggestions and kind help so generously given him by the Rev. Moorhouse, F. X. Millar, S.J.

S. J. McN.

CONTENTS

PART	I.	FROM THE BEGINNING OF CHRISTIANITY TO THE MIDDLE AGES	5
PART	II.	THE MIDDLE AGES	15
PART	III.	THE PRE-REFORMATION PERIOD	35
PART	IV.	THE REFORMATION	47
PART	V.	PAST-REFORMATION PERIOD	74
PART	VI.	THE SOURCES OF AMERICAN DEMOCRACY	99
PART	VII.	THE IMMEDIATE SOURCES OF THE DE- CLARATION OF INDEPENDENCE	106
PART	VIII.	NATURAL RIGHTS	123
PART	IX.	ROUSSEAU AND AMERICAN DEMOCRACY	132

AMERICAN DEMOCRACY AND CATHOLIC DOCTRINE

A Study in the Origin and Development of Democracy

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PART I

FROM THE BEGINNING OF CHRISTIANITY TO THE
MIDDLE AGES

There is on earth only one Democratic Institution, and that Institution is the Catholic Church.—Joyce Kilmer

Catholicism—The Mother of American Democracy! What an absurdity! What an impossibility! What a contradiction of history! By what manner of sophistry can such an assertion be proved? Of all the myths of modern conventional history none has been reiterated with persistence and energy more worthy of the truth than that civil liberty and modern democratic institutions are the fruit of the religious revolution of the sixteenth century. The pulpit, press, platform and school have aided and abetted in the universal dissemination of this historical falsehood, notwithstanding historical research has proved the assertion has no foundation in fact. The fundamental principles of democracy, enunciated long before the sixteenth century, were arrested in their evolutionary development by the so-called Reformation, whose political and religious leaders, promulgated the theory of divine right of kings and princes, both in the spiritual and material order. If democracy exists in the world today, it is in spite of the

theory and practice of the reformers, and not on account of their efforts in its behalf.

What is democracy? What are its constituent elements? It may be described as that form of government by the people in which the right to life, liberty and property is secured to the multitude, and this with the least possible restraint on personal freedom or individual liberty. The right to life is founded on the fact that unless man lives and acts he cannot attain his end, which is his perfection or happiness—the full development of all his faculties or powers; the right to an education is, therefore, included in the right to life. The right to liberty—opposed to the dogma of the absoluteness and omnipotence of the State—includes freedom of conscience, freedom of opinion, freedom in choice of labor, and freedom in all other actions, limited only by right reason, the laws of God, the rights of individuals and the peace and welfare of society. The right to property follows from man's right to life, for his existence is dependent on the fruits of the earth, and he must of necessity have a right to that which produces the fruits. By nature a foreseeing being and the potential head of a family, man should provide for the future, and this he can do only by means of property. The abstract right of property, therefore, is founded in his very nature, although its exercise may be regulated by public utility. Government, no matter what the form, is but a means to an end—the material and spiritual welfare and happiness of the governed. It would be incongruous, then, to call any form of government a democracy if the end sought in a democracy were not attained.

From this consideration of democracy it is evident that its essence is in the effects of government rather than in the form, and possible it is that under a king the multitude may enjoy the fruits of a democracy more abundantly than under a republican form of government where a small minority are so well organized as to control the instruments of government for their own selfish ends rather than for the public welfare. The liberty of the multitude may be destroyed by mass or class autocracy even in a democratical form of government.

- If the Reformation did not give birth to our democratic ideals, what, then, was their source? In Catholicism alone is to be found the source of American democracy. Conventional history portrays Catholicism as the advocate of monarchy, aristocracy, and even civil and religious despotism, and ever the opponent of democracy. Nothing could be further from the facts. It is true she supported monarchical forms of government, but it must be remembered that this was the established form of government predominating in the countries she evangelized. It was, and is, ever her policy to support that form of government whose authority is legitimate, teaching as she does that legitimate authority is from God, and that it is indispensable to the order, welfare and progress of society. In this her action was purely negative. What her positive doctrines of civil government were, and are, we shall see in the course of our examination of the doctrines of her teachers and accredited representatives.

As the United States of America best typifies the ideal democracy established within the last hundred and fifty years, it has been selected as the object of our attention, and it is proposed to trace its political genealogy and discover, if possible the sources of its fundamental principles. And since, according to the majority opinion of constitutional historians, our American ideals of civil liberty are of English origin, the greater portion of this work will be devoted to considering the growth and development of popular government in England. Before doing this, however, it will be necessary to take a rapid glance at the condition of society in Europe during the early ages of Catholicism, so that we may be better able to comprehend the evolution of democratic ideals.

The two greatest evils existing in the world at the time Catholicism appeared were slavery¹ and the degraded condition of women—evils incompatible with real democracy. To Catholicism alone does European civilization owe the destruc-

¹ The term is used here in its broadest sense to include both white and colored people who were conquered and then made slaves.

tion of slavery.² Her dogmas, councils,³ Popes and entire hierarchy united in the eradication of this evil. The great majority of the population were slaves, and for the Church to have emancipated all of them at once would have produced a social condition, if not of anarchy, at least far worse than she found then prevailing. With characteristic wisdom she first ameliorated the condition of the slaves and then educated them, thus enabling them to exercise properly the rights of free men. At no time did she ever deny that they possessed the rights common to all men, but such was their social state that they were incapable of properly exercising these rights. Her conduct regarding slavery was analogous to that of modern democracies, which require that individuals shall have reached a certain development, usually twenty-one years of age, before exercising the right of suffrage.

The positive teaching of Catholicism regarding slavery is exemplified in her early history by three of her greatest representatives and expounders of her doctrine. St. Paul in the first century: "There is neither Jew nor Greek, there is neither bond nor free, there is neither male or female. For you are all one in Christ Jesus."⁴ St. Augustine in the fourth century: "God has ordained that reasoning creatures, made according to His own image, shall rule over creatures devoid of reason. He has not established the dominion of man over man, but that of man over brute."⁵ St. Gregory the Great, in the sixth century: "In the beginning, nature made them all free, and they have only been subjected to the yoke of servitude by the laws of nations."⁶ Is not this the fundamental principle of all democracies? Centuries later the first truth the founders of our American democracy held to be self-evident was "that all men are created equal." Equal politically—as

² Cf. Balmes, "European Civilization," Chaps. XV-XIX, nineteenth edition. J. Murphy & Co., Baltimore, 1850.

³ For the decrees of Church councils concerning slavery, see Balmes, *sup.*, cit., pp. 430-438.

⁴ Gal. III, 26, 28.

⁵ De Civit. Dei., 1, XIX, Chaps. 14, 15, 16.

⁶ L. 5, lett. 72.

to life, liberty and property rights; but not equal as to their physical, mental and moral capabilities.

Had the Reformation been in existence and the following doctrines of Luther been put into practice, slavery would never have been abolished: "Slavery is not against the Christian order, and he who says so lies!"⁷ "These, too, are personal possessions, like other cattle, which the patriarchs sold as they pleased, as it would well-nigh be best were it done so now, since in no other way can servants be forced into subjection and tamed."⁸

The practice of the Church was in accord with her theory. She was no respecter of persons. Her sacraments were given to all in the same manner; she raised for the veneration and imitation of her faithful children, with the title of saint, the slave and the free, the lettered and the unlettered, the tramp, the poet, the doctor, the warrior, the baron, the king—but most of all the humble and the despised. She admitted to her priesthood all classes, from slave to emperor; and to the highest office within her gift, that of Pope, has been elected the poor and the great—yes, even the slave.⁹ Search history as you will, you will find no religion, no sect, up to the time of the appearance of Catholicism, that put the proletariat on a religious and civil level with the upper classes and practiced democracy in religion.

While the term democracy is of Grecian origin, its Catholic content differs radically from that of the Greeks. The Greeks had no conception of a democracy of human beings as such. The vast majority of the population were slaves—beings of inferior intellectual capacity, cursed by the Gods—who could never become citizens. The highest ideal of the Greeks was a democracy of a small minority of citizens, under whose rule the right of the greater portion of the multitude to life, liberty and property was not even believed in or taught, and consequently unrecognized. The Roman conception of

⁷ Weimer Ed., Vol. XXVI, p. 244.

⁸ *Ibid.*, Vol. XXIV, p. 367.

⁹ Pope Plus in the second century and Pope Callistus in the third century had been slaves.

democracy differed little from the Grecian. It was reserved for Catholicism to be the first to teach and practice, from her very beginning and down through the ages, that all mankind, regardless of race, color or condition, were made to the image and likeness of God, were all of the same rational nature, and were by that very nature possessed of certain inalienable rights which all beings were bound in justice to respect. The teaching of the Fatherhood of God and the brotherhood of man was a revolutionary and disrupting dogma in a pagan world devoted to sensual gratification and the deification of human passions.

There is nothing so opposed to the spirit of democracy as a system of caste, and all that is necessary to actualize this at any time is political power and wealth in the hands of those who are desirous of establishing it. The Church was neither politically powerful nor wealthy in the early ages of Catholicism, but she did attain to that state in the twelfth and thirteenth centuries, and during that period no attempt was ever made by Rome to establish the hereditary succession of the hierarchy. The horror the Church had for the caste system, a horror begotten of experience, and taught by history, prompted Rome to destroy at all times the least movement which had for its object the discontinuance of the celibacy of her ministers. The Protestant historian, Guizot, who was Prime Minister of France, pays tribute to her absence of caste in the following words: "Not only is the Church entirely free from this fault, but she has constantly maintained the principle, that all men, whatever their origin, are equally privileged to enter her ranks, to fill her highest offices, to enjoy her proudest dignities. The ecclesiastical career, particularly from the fifth to the twelfth century, was open to all. The Church was recruited from all ranks of society, from the lower as well as the higher—indeed, most frequently from the lower. When all around her fell under the tyranny of privilege, she alone maintained the principle of equality, of competition and emulation; she alone called the superior of all classes to the possession of power. This is the first great consequence which

naturally flowed from the fact that the Church was a corporation and not a caste."¹⁰ Could words of greater praise be given by an adversary to her democratic spirit!

In regard to the condition of women, the Catholic dogma that marriage was raised to the dignity of a sacrament by her Divine Founder, at once elevated women to a position of honor and respect. No longer was she to be the slave of man, the object of lustful passion only, over whom he had the right of life and death, and to keep or put away as he chose. In future she was to be his equal, his companion, and the mother of his children; and the family was to be the unit of society. The absolute prohibition of divorce and polygamy with the safeguards she threw around those who wished to live a life of celibacy in religious orders for women, achieved for woman the veneration she henceforth acquired. The condition of woman had to be elevated if for no other reason than that the highest degree of virtue and purity was exemplified in the Virgin Mother, whom all were exhorted to love and imitate.

There is no case in history where society has continued to exist for any great length of time in a state opposed to ideas with which it is being imbued, for "on the order of ideas depends the order of events" Either the ideas prevail and society is remodelled, or the ideas give way and society continues on her accustomed course. But slavery did disappear and the condition of women was elevated, and to no other agency can history attribute this reform in social conditions than to Catholicism. Her teaching was diametrically opposed to the prevailing practices of the time she appeared, and by the moral force of her doctrines alone she eradicated those two greatest evils antagonistic to the spread of democracy..

For fear the thought might arise in the mind of the reader that the Reformation would have done as much for the elevation of woman, the following doctrines of Luther are put in evidence: "The body of women is not strong, and their soul

¹⁰ "History of Civilization in Europe," fifth lecture, p. 95.

is even weaker in the common run. So it is a matter of importance whether the Lord places a wild or a mild one at our side. The woman is half a child. He who takes a woman should consider himself as the guardian of a child. . . . She is likewise a freakish animal. Recognize her weakness. If she does not always walk in the straight path, guide her weakness. A woman remains a woman in eternity."¹¹ "Though woman folk are ashamed to confess it, yet it is proved by Scripture and experience that there is not one among thousands to whom God gives the grace to keep pure chastity; but woman has no power over herself."¹² "I would rather look through God's fingers and trust to His grace for him who has two or three concubines, than for him who has taken a lawful wife with the Consent of the Council."¹³ Now let it be supposed that doctrines such as these were taught during the time that Catholicism was alone in her work of regenerating European society; would woman have attained to any more honor and respect than she did in pagan civilization? The answer is left to the reader.

For centuries the Catholic Church labored patiently and strenuously at the herculean task of laying the foundations of modern European civilization. It was she alone who saved Europe from dissolution and absolute ruin, during the social, political and religious transformation of the Roman Empire. It was she alone who preserved all that was good in the material and spiritual life of ancient Rome, stripped it of its paganism, and erected upon it the superstructure, known to-day as Christian civilization. Rome never fell. She underwent an enormous change, it is true, but it was gradual—there was no sudden or rapid decline. The theory, accepted by practically all modern conventional historians, that Roman civilization was destroyed by a Teutonic invasion is a fiction of the imagination, unsupported by historical evidence, originating with German Protestant historians, and propagated by

¹¹ Welmer Ed., Vol. XV., p. 420.

¹² Erlangen Ed., II., p. 535.

¹³ Welmer Ed., Vol. XII, p. 237.

them and their English and American followers for ulterior purposes. European civilization is not Teutonic; it is Catholic—Roman. It must necessarily be. For the only potent force that could, and did, stem the tide of dissolution and change from rolling on to the shores of political, social and religious anarchy during the Roman transformation was the Catholic Church^{13a}. It was by her continual warfare, in theory and practice, against the slavery of men and the degradation of women, that she eventually caused to be recognized the true worth of the human individual, which is, embryo, the fundamental principal of all democracies.

The centers of learning in Europe during the sixth, seventh and eighth centuries were the schools and monasteries established by the Irish and Benedictine monks. During the dark ages Ireland was the great home of learning and civilization, and from her shores went forth scholars to all parts of continental Europe to bear the torch of religion and knowledge. To her aid in this tremendous work came the sons of St. Benedict, from the Abbey of Monte Cassino. St. Augustine, a Benedictine, founded a monastery in England in 597. From England the Benedictines led by St. Boniface spread to Germany, and from thence to Denmark, Scandinavia and Iceland. Whatever good of ancient civilization Western Europe possesses today, she owes to the Irish and Benedictine monks. "The great Benedictine order, which preserved the relics of ancient literature and ancient law, restored agriculture, was an asylum against lawlessness, monarchial or aristocratic, and was able to survive the scandalous profligacy which characterized the Papacy in the tenth century, and even to be a great agent in the reformation of it under Hildebrand. The philosophy of history proves that the monastic orders were the center and the life of reviving civilization. Though I confess that I cannot see in the *Monks of the West* all that Montalembert saw, I can discern that we owe to their example that habits of law, the dignity of labor, the promotion of education, and

^{13a} Cf. "Europe and the Faith," by Hilaire Belloc, pp. 54-83. The Paulist Press, New York, 1920.

the record of history were not lost during the six centuries of their early career."¹⁴ Theirs was the task in the Dark Ages to preserve and teach what was salvaged from the learning of Greece and Rome; to tame the fierce spirit of the Goth, Hun, Visigoth, Longobard and Vandal; to induce him to abandon his nomadic life and settle down to one of peace and tranquility; to teach him to forgive and forget, and to hold sacred the right of his neighbor to life and property. So difficult and extensive was the work that it was not until the ninth and tenth centuries that her efforts were crowned with any appreciable success. Reforms in manners, customs, politics and religion are of slow growth in their evolutionary development. Time must be allowed them to percolate through the different strata of society if the object attained is to be permanent and universal.

This period in the world's history, the fifth to the ninth century, is the one most barren of original historical records. Yet it is logical to conclude from certain events dating from the end of this epoch that even these times were not entirely sterile at least of the teaching of some democratic ideas in government, for it is in the ninth and tenth centuries we find the guild organizations taking form.¹ From the moment of their inception, their growth and development in the countries of England, France, Germany and Italy, was rapid.

¹⁴ "Economic Interpretation of History," lecture on "Social Effect of Religious Movements," p. 71, by J. E. Thorold Rogers, Professor of Political Economy in the University of Oxford. New York, G. P. Putnam's Sons, 1888.

Part II

THE MIDDLE AGES

The religious, craft and merchant guilds were corporate organizations, with constitutions and by-laws founded to preserve peace and to protect the civil rights and liberties of their members. The craft guilds by their statutes regulated salaries and hours of work,¹⁵ old age, sick and widows' pensions, assessments on members for masses for the sick and dead and for burial expenses, and provided for the upkeep of their altar, and for the celebration of their patron saint's day. They prevented a small group of privileged persons from exploiting the workingman¹⁶ as an instrument in the process of production and distribution, and they caused to be recognized and enforced his rights as a human being to a living wage,¹⁷ to rest and recreation and to participation in the social and political life in the community. In the Middle Ages they succeeded in doing what twentieth century trade unions have failed of accomplishment. They were the trade unions of

¹⁵ "I can assure my hearers that a mason in Oxford 440 years ago was paid relatively better wages than he is paid in London for a fifty-six hours' work at present. The fifteenth century workman worked for only an eight-hour day." (Thorold Rogers, *sup. cit.*, p. 307, Lecture on "Guild and Apprentice System.")

¹⁶ "The most important contrast that strikes us is that the mediaeval craftsmen were personally independent, in a sense in which the modern workman is not. He worked in his own shop, owned his own tools, and worked at what hours he pleased, subject to the restrictions as to work at night or on Sundays." ("An Introduction to English Economic History and Theory," p. 94, by W. J. Ashley, M.A., Fellow of Lincoln College, Oxford. New York: G. P. Putnam's Sons, 1888. Some of the facts relating to the guilds in this treatise have been taken from this work.

¹⁷ "It is quite certain that the town and country guilds obviated pauperism in the Middle Ages, assisted in steadying the prices of labor, and formed a permanent center for those associations which fulfilled the function that in more recent times trade unions have striven to satisfy.." (Thorold Rogers, *sup. cit.*, p. 303.)

their day, and "when the workmen of the European continent demand 'the three eights'—eight hours' work, eight hours' rest and refreshment, physical and mental, and eight hours' sleep—some of them are aware of the fact that this reform already exists in the Anglo-Saxon countries; but all are ignorant of this other fact that during the Middle Ages in an immense number of labor corporations and cities a work day was often nine, eight, and even seven hours long. Nor have they ever been told that every Saturday, and on the eve of over two dozen holidays, work was stopped everywhere at four o'clock."¹⁸ Of course, the corporations referred to were the guilds, and the two dozen holidays were the holy days of obligation—festive days in the calendar of the Church—when all were bound to abstain from servile work under penalty of grievous sin. The passage quoted shows the influence of the guilds on the social and industrial life, and the influence of the Church on the guilds. Whatever narrowness and selfishness of spirit they possessed in their beginning soon disappeared under the fostering care of the Church. To the practical application of the principles they learned from her teachings do they owe their Golden Age in the thirteenth century, for they were, above all else, Catholic.

The chartered towns of Oxford, Bristol, Salisbury, Carlisle, Durham, Southampton and Lincoln, in England, owed their Charters of Rights, granted by successive sovereigns, to the guilds, and the guild statutes in the great majority of cases became the law of the town in which they originated, with the right of municipal self-government granted to the members of the guilds through their executive officers. The admission of the Commons to the Parliament of England (1266) is due, in great measure, if not entirely, to the power and influence of the guilds. Out of one hundred and sixty towns which were represented in the Parliament of Edward I, ninety-two were guild towns which undoubtedly accounts for the democratic spirit of the seven articles granted by Edward and

¹⁸ Urbain Gohier, the French Socialist, in the *North American Review*, September 21, 1906.

added to the Magna Charta. The most important of these articles will be considered in a subsequent paragraph.

The freedom the merchant guilds acquired may be judged from the *Statutes of the Realm*, i, 296, in which it was written: "The King hath ordered that all merchants, aliens and denizens, and all other and every of them, of whatever estate or condition they may be that will buy or sell corn, wine, avoirdupois, flesh, fish, and all other articles of food, wool, cloth, wares, merchandise, and all other things vendible, from whence-soever they come . . . at whatsoever place it be, city, borough, town, port of the sea, fair, market . . . within franchise or without . . . may freely without interruption sell them to what persons it shall please them."¹⁹

If there is a distinguishing characteristic in the guild life of the Middle Ages, it is its democratic spirit. By means of corporate organizations, the members of which governed themselves often in their political as well as in their industrial life, they were able to secure their members in their rights to life, liberty, and property; and the industrial rights of the people were protected by guild statutes, which effectively prevented profiteering, monopolistic control of commodities, and deception in buying and selling. Any member of the guild detected in any of these nefarious practices received swift and condign punishment. It is doubtful if the world has ever seen such democracy in industry as existed in England, in a higher state of development than in the rest of Europe, when the guilds flourished in the Middle Ages.

The earliest and nearest approach to a constitutional document limiting royal power and arbitrary government was the Magna Charta, signed by King John in 1215. The principal actor in the drama of its enactment was an Archbishop of the Catholic Church, Stephen Langton. The Magna Charta, however, was neither a declaration of rights nor a code, nor a syllabus of fundamental political principles, as has so often been asserted. It was nothing but a rehearsal of rights violated by King John—rights that religion held inviolable and that long years of custom had sanctioned—and a demand was

¹⁹ W. J. Ashley, *sup. cit.*, p. 84.

now made on him that they be restored. Langton, in formulating the demands, took as his model the Charter of Rights previously granted by Henry I. It was a restoration, not an innovation, and if it is in any way a basic element of Anglo-American civil liberties, it is to a body of Catholic free-men headed by their Archbishop that credit must be given for formally asserting political rights pregnant of democratic ideals. Its different chapters have been interpreted as establishing trial by one's peers (trial by jury), due process of law, the property right of inheritance of widows and children, and a species of infant parliament.

Popular history has accorded Archbishop Langton due credit for his participation in the struggles for political liberty in England, but it has been strangely silent concerning the activities of one of his successors in the See of Canterbury, Robert de Winchelsea. From the account of the life of Archbishop Winchelsea given in the *Dictionary of National Biography*,²⁰ the reader would be justified in concluding that he was a leader, if not *the* leader, in molding political and social development in England during the last decade of the thirteenth century and the first decade of the fourteenth. From the year 1295, when he returned from Rome, whither he had gone after his election to be consecrated, until his death in 1313, he consistently and successfully opposed the unconstitutional and arbitrary acts of the reigning monarch, Edward I. Edward, finding himself handicapped by a lack of men and funds to carry on his war against France, resorted to a tax of money and services on his subjects. Winchelsea, armed with the Papal Bull, *Clericis Laicos*, of Boniface VIII, refused to recognize the right of the king to tax the Church and clergy. The result of the conflicts which ensued between Edward and the Archbishop, who allied himself with the Dukes of Norfolk and Hereford, and sometimes with the baronial forces, is seen in the seven articles that Edward agreed to sign and add to Magna Charta in 1297. The most important of these stated that in future "aids, tasks and praises"

²⁰ Vol. LXII, p. 155, et seq.

could not be demanded "but by common consent of the realm and for the common profit thereof"—an essential element in democratic governments. The principle of "taxation without representation is tyranny," which centuries later echoed from the lips of the American colonists, was embodied in the charter rights of Englishmen through the efforts of a Catholic Archbishop.

Of almost equal importance was the third of the seven articles, in which it was enacted that the charters, copies of which were to be in the possession of all cathedral churches, were to be read twice each year to all the people. When all England was Catholic and church-going, what better means could be adopted for instructing the multitudes in their political rights than that ordained in this article? Besides showing the solicitude and endeavors of the Church in acquainting the people with their political rights, its educational value in spreading ideas in the cause of democracy was inestimable.

The accomplishments of Langton and Winchelsea are two typical illustrations of Dr. Gairdner's statement that the people and Church were secured in their rights by none other than Catholic bishops who always successfully opposed the oppression of "despots" and "violent tyrants" in feudal times²¹ and Dr. Gairdner agrees with the contention of Charles Plummer that "Dr. Stubbs has justly protested against the views of Allen, that the mediæval clergy were great upholders of the doctrine of the divine right of kings, as 'shallow and unfair.' But they are more than shallow and unfair; they are often the exact reverse of the truth. The clergy were the great opponents of that doctrine, the chief advocate for the imposition of limitations on the royal power, in opposition to the lawyers who carried on the absolutist tradition of the Roman Law; and the doctrine of the lawfulness of popular opposition to that power under hierarchical sanction was no invention of Scotch Reformers, or of French Leaguers; but had

²¹ "A History of the English Church in the Sixteenth Century, from Henry VIII to Mary," p. 5, by James Gairdner, LL.D. London MacMillan & Co., 1902.

already been developed in the Middle Ages. There is, as M. Janet observes, a touch of tribunician eloquence in the passage . . . in which Gregory VII traces the origin of monarchies to a source the reverse of divine; while the worst doctrines of the political Jesuits are anticipated by John of Salisbury."²² ■

To appreciate properly cause and effect, it is necessary to state here that Archbishop Winchelsea was a student in the University of Paris²³ during the time Thomas Aquinas and his teachings molded Catholic thought and action, and whatever political principles the Archbishop afterwards caused to be actualized in England were the result of his training in that center of scholastic thought. When he wrung from Edward I the articles cited above he was bringing into existence an enactment the fundamental principles of which had been enunciated in the teachings of Thomas Aquinas, viz.: "Custom counts for more in favor of a particular observance than does the authority of the sovereign, who has no power to frame laws except as representing the people,"²⁴ and "a law is a rule of reason, whose object is the common good, promulgated by him who has the care of society."²⁵ Now Edward in taxing his subjects for other than the common good—the levying of a tax of men and money for the war in France was strongly opposed by a great majority as not beneficial to the people—was acting against reason and custom. Against reason, because the right to tax, which is the confiscation of a portion of private property, is justifiable only when he who suffers the deprivation is benefited directly or indirectly by the resulting good to the community. Against custom, because England being originally an elective monarchy, the king had no powers other than those conferred on him by the

²² P. 205, "The Governance of England," by Sir John Fortescue, edited by Charles Plummer, M.A., Fellow of Oxford. London, Henry Frowde, 1885. The only place the author was able to secure a copy of this work was in the Library of Congress.

²³ Afterwards rector of the University. Cf. Dictionary of National Biography, sup. cit.

²⁴ Summa Theol., 1-2, 97, 3.

²⁵ Ibid. 1-2, Q. 90, Art. 4.

electorate, and levying taxes was not a prerogative of the crown.

The origin of civil power as taught by Thomas Aquinas and other schoolmen has been well summarized as follows: "That in reality, all power proceeds from God, but that it is not delegated to any particular individual directly, unless by consent of civil society. That this power is not vested directly in any individual but in the entire collection of men, is what St. Thomas expressly teaches,²⁶ followed by Dominic Soto,²⁷ by Ledesma,²⁸ and by Covarruvias.²⁹ The reason for this is evident; for as all men are born free with regard to civil society, no one has any civil power over another, since this power exists not in each, nor in any of them in a fixed manner; it follows, therefore, that it is vested in the whole collection of men. God does not confer this power by any special act distinct from creation, but it is a property of right reason, inasmuch as right reason dictates that men, united in one moral whole, shall prescribe, by express or tacit consent, in what manner society shall be governed, preserved and upheld. . . . It is evident, therefore, that the power existing in the prince, the king, or in many persons, whether nobles or plebians, emanates from the community itself, directly or indirectly; for if it came immediately from God it would be manifested to us in a particular manner, as in the instance of Saul and David, who were chosen by God. We consider, therefore, erroneous, the doctrine that God confers this power immediately and directly upon the king, prince, or any other head of supreme government, to the exclusion of the tacit and express consent of the public."³⁰ From this it will readily be seen that Thomas Aquinas in the thirteenth century taught what democratic

²⁶ 1, 2, Q. 90, Art. 3, Ad. 2, et Q. 97, Art. 3, ad. 3.

²⁷ Lib. i., Q. 1, Art. 3.

²⁸ 2d part., Q. 12, Art 3.

²⁹ In Pract., Cap. 1.

³⁰ "Christina Theology, Dogmatic and Moral," by Rev. Daniel Concina, Roman Edition, 1768. Lib. 1, De Jure natur. et gent. etc. Dissertatio 4, De leg. hum. C. 2.

statesmen now hold to be the origin of civil power, or what is known in modern parlance as the "right of self-determination of peoples or nations"; and it can be asserted without fear of contradiction, that never has this principle been expressed more philosophically, clearly, and completely by any modern writer or teacher than that given in the above text.

Having considered the positive teachings of Catholicism regarding the origin of civil power, it is now necessary to inquire. What did she teach were the objects of that power? "The kingdom is not made for the king, but the king for the kingdom, for God has constituted kings to rule and govern, and to secure to everyone the possession of his rights; such is the aim of their institution; but if kings, turning things to their own profit, should act otherwise, they are no longer kings, but tyrants."³¹ Although Aquinas here uses the word king, the term signifies those entrusted with the civil power with and by consent of the multitude, as we saw in the quotation on the origin of power. The object of civil power as taught by Catholicism is the same then as expressed by Jefferson in the Declaration of Independence: "That to secure these (natural) rights, governments are instituted among men, deriving their just powers from the consent of the governed." The theory of Jefferson in the eighteenth century is the same as Aquinas in the thirteenth; whether or not the political theories of the Scholastics were the sources of Jefferson's ideals will be examined later on.

The order and well-being of society, which is the object of government, can be attained only by the compliance on the part of the multitude with established laws. "Law," we have already defined, "is a rule of reason, whose object is the common good, promulgated by him who has the care of society." But is it ever allowed to resist civil law, either actively or passively? Catholicism justifies both active and passive resistance in particular instances. In a passage which is too long to quote, Aquinas teaches³² that no one can ever obey

³¹ D. Th. de Reg. Princ. Cap. 11.

³² Ibid. 1, 2, Q. 90, Art. 1.

a civil law when it is opposed to the Divine Law, that unjust laws are not binding in conscience, especially "when the legislator outsteps the limits of his faculties," but to prevent scandal and disturbance it is obligatory to obey unjust laws in particular instances. Now, "laws may be unjust in two ways, either by being opposed to the common weal, or by having an improper aim, as when a government imposes upon its subjects onerous laws, which do not serve the common interest, but rather cupidity and ambition. . . . Such laws are rather injustices than laws."³³ All this, however, has to do only with passive resistance. What of active resistance? The positive teaching of Catholicism according to Aquinas is: if, after the continuous tyranny of rulers has materially injured the common welfare, all lawful means to aright wrongs have proved ineffectual, then forceful rebellion is justified even to the deposing of rulers, provided the moral, intelligent and major part of the community are certain from the beginning of the tyranny and probable success of the rebellion.³⁴ This same principle Jefferson likewise incorporated in the Declaration of Independence: "Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security." Thus the origin and object of civil power, the right of active and passive resistance to unjust laws and the object of governments and laws in themselves, as idealized by American Colonists, were taught by Catholicism one hundred years before America was even discovered!

³³ 1, 2, Q. 96, Art. 4.

³⁴ II-II, Q. xlii, a. 2.

The reader may possibly ask, why are quotations continually made from Thomas Aquinas? The reason is that in his works are embodied the sum of Scholastic Philosophy—he is a teacher par excellence of Catholicism.

When it is remembered that the minds of many thousands³⁵ of students in the University of Paris were being impregnated with this leaven of democracy during the time of Thomas Aquinas's teaching, it must be apparent what universal circulation these democratic ideas obtained. The fact that very few democratic forms of government arose as a consequence of this widespread acceptance of democratic ideals is accounted for by the condition of society at that time. Printing had not been invented, and nations had not arrived at that stage of social intercourse when the economic and political theories taught and practiced in one country reacted with beneficial or baneful effects on another. There is another reason, too, of greater importance than either of these. Notwithstanding that the form of government under which the people lived was monarchial, they enjoyed the fruits of a democracy more abundantly than we do today who live under a democratic form and reap the fruits of a capitalistic oligarchy. In England especially, the people were contented, happy and prosperous. "Before the event called the Reformation, England was MORE POWERFUL and MORE WEALTHY, and the people were MORE FREE, MORE MORAL, BETTER FED and BETTER CLAD, than at any time since that event."³⁶ (Capitalization the author's) "These things prove beyond all dispute, that England was, in Catholic times, a really wealthy country; that wealth was generally diffused; that every part of the country abounded in men of solid property; and that, of course, there were always great resources at hand in case of emergency."³⁷ "But on the whole, there were none of those extremes of poverty and wealth which have excited the astonishment of philan-

³⁵ Non-Catholic authorities say over 20,000.

³⁶ "History of the Protestant Reformation," Letter 15, p. 2, Cobbett. London, 1827.

³⁷ Ibid. Letter 16, p. 8.

thropists, and are now exciting the indignation of workmen. The age, it is true, had its discontents, and these discontents were expressed forcibly and in a startling manner. But poverty which perished unheeded, of a willingness to do honest work and lack of opportunity, there was little or none. The essence of life in England during the days of the Plantagenets and Tudors was that everyone knew his neighbor, and that every one was his brother's keeper. My studies lead me to conclude, that though there was hardship in this life, the hardship was a common lot, and that there was hope, more hope than superficial historians have conceived possible, and perhaps more variety than there is in the peasant's lot in our time."⁸⁸ There was no conflict between labor and capital, and the class known as the "poor" today, did not exist. Revolutionary ideas of government do not find a fertile soil in such a field. When a radical change is caused in governmental form by the action of the prolateriat, it is always due to a spirit of unrest and discontent that prevails on account of abuses. If radical ideas are propagated at such a time, the probabilities of their being actualized are greatly enhanced, especially if it is believed they will be a panacea for the social ills of the afflicted multitude. The leaders of the people in those times were Catholic prelates, guided by sound religious and political principles, and when abuses became oppressive they obtained redress and recognition of natural rights without causing any great revolutionary change in the governmental form.

In the political order, as in the natural order, the law of retrogression is as active as that of progression. The surviving type is not necessarily the most perfect; it is only the best fitted for the time, place and conditions. Notwithstanding that the students returning from Paris to their native lands had the sanction and approval of the Catholic Church for their political theories, the social conditions of the times were too great an obstacle to overcome in the struggle for survival of

⁸⁸ Thorold Rogers, *sup. cit.* Lecture on "The cultivation of land by owners and occupiers," p. 63.

democratic forms of government. The law of the conservation of energy applies, however, with equal force to the world of thought, as to the material world. The seed of the democratic ideal once planted in the soil of thought, it was only a question of time when social conditions would further its full growth and development.

As it is proposed to show that the leaders in the Revolution of 1688, which resulted in the granting of the Bill of Rights by William and Mary in 1689, drew their principles of government from the Schoolmen, a word here about the Schoolmen and Scholastic Philosophy will be apropos.

The glorious age of Scholasticism was the thirteenth century; its period of decline the fourteenth and fifteenth. The most brilliant star in its constellation of stars was Thomas Aquinas. Among the less brilliant were Albert the Great, Bonaventure, Peter Lombard, Alexander of Hales, Henry of Ghent, Peter d'Ailly, Dons Scotus, Vincent of Beauvais and Durandus. Its period of decline, however, was not without a galaxy of scholars of the highest order: Cajetan, Soto, Covarruvias, Capreolus, Sylvester, Banez, Vasquez, Suarez and Bellarmine being the most prominent—the last two named influencing subsequent political thought more than all the Scholastics with the possible exception of Thomas Aquinas.

In contra-distinction to Christian philosophy in the Patristic era, which was constructed more or less on Platonic principles and was ultimately more intuitional and mystical than dialectical in its proof of philosophic truth, Scholasticism may be defined as Christian Rationalism founded on the philosophy of Aristotle. It was rationalistic in the sense that it used reason "in the elucidation of spiritual truth and in defense of the dogmas of faith." Barthelemy Saint-Hilaire sees in Scholasticism "the first revolt of the modern spirit against authority," and Lord Acton thinks "that not the devil but St. Thomas was the first whig." While both are exaggerations, yet it is true that Scholasticism had its origin in the dialectical reasoning on the problems of psychology, metaphysics, cosmology and ethics which the philosophers of the

Middle Ages sought to solve.^{38a}

It is a common opinion among so-called scientists and scholars of the present day that the Scholastics busied themselves with idle subtleties and hair-splitting distinctions, and that their method of reasoning was to prove by an appeal to authority. A fundamental principle of Scholastic Philosophy is that all truths, excepting revealed truths, are demonstrable by the light of reason alone, and that proof by an appeal to authority is the weakest of all arguments: "*Locus ab auctoritate quae fundatur super ratione humana est firmissimus.*"³⁹ In its search of philosophic truth the method it employed—the dialectic—is further proof, if proof were needed, of its absolute opposition to the dictum of authority as the sole criterion of truth.

How practical and modern the Scholastics were is shown by their investigation of the questions that agitate the intellectual world today, and by the clear light of reason alone arriving at truths which modern experimental science has but lately proved to be correct, such, for instance, as the indestructibility of matter and the conservation of energy. It was only in its period of decadence that time was wasted on questions of philosophical subtlety.

The modern neglect and disfavor of the Aristotelian theory of primary matter and substantial form—known also as the Peripatetic theory, the Thomistic theory, and Scholastic theory, or as Hylomorphism—may be traced to the great advance made by the experimental sciences in the seventeenth century. The mistake made then, and not rectified since except by a few, of associating the "philosophic system of Aristotle and the scientific conclusions to which this system is in no way necessarily bound," has been the cause of its partial eclipse. "You change," wrote Bossuet, addressing the principles of the Reformation, "and that which changes is not true." If immutability is a proof of the truth of a system of philosophy, then Scholastic Philosophy stands apart as the only system

^{38a} Cf. Turner, *Cath. Encyclo.* Vol. XIII, p. 548, et seq.

³⁹ In 1 lib. de Coelo lect. XXII; II Sent d. XIV, a. 2, ad lum.

whose fundamental tenets have had to undergo no change to agree with the results of twentieth century science.

Professor W. J. Ashley of Oxford University in his book, *English Economic History and Theory*, has clearly shown how the Scholastics, and especially Thomas Aquinas, have influenced all subsequent legislation on economic matters. How modern they were in their theories he illustrates by their doctrines on the "cost of production" and "value." In regard to the former, he says: "The only difference between the mediæval and modern point of view was that we trust to competition to bring about the result which the moralists and statesmen of the Middle Ages sought to effect by teaching and legislation;"⁴⁰ and concerning "value" they maintained "as experience showed that individuals could not be trusted thus to admit the real value of things, it followed that it was the duty of the proper authorities of state, town, or guild to step in and determine what the just and reasonable price was."⁴¹ Of "just prices" and the "taking of interest" he writes: "They enforced them from the pulpit, in the confessional, in the ecclesiastical courts; and we shall find that by the time that the period begins of legislative activity on the part of the secular power, these two rules had been so impressed on the conscience of men that Parliament, municipality, and guild endeavored of their own motion to secure obedience to them."⁴² A perusal of the chapter, *Economic theories and Legislation*, p. 24, Vol. I, will give the reader an accurate conception of the influence of Scholastic doctrines on economics, and how modern and "encyclopedia was the method and object, aiming at surveying the whole field of thought."⁴³

In the World War just brought to a close, no figure stands out more heroically and unconquerable in that crucible of suffering than the "Lion of Flanders"—Cardinal Mercier. A student and teacher of Scholastic philosophy's moral and political principles, he is a modern type of the defenders of the

⁴⁰ P. 139.

⁴¹ P. 140.

⁴² P. 132.

⁴³ P. 134.

principles of democracy in the Middle Ages. Guided by the same dogmas as his brother clergy of the eleventh, twelfth and thirteenth century, he, like them, contended against the tyranny of force, exemplified in his case by the militarists of Germany, for the rights of his people of Belgium to their life, liberty and property, and by the moral force of his ideals alone he continued to the end undefeated and defiant in his struggle for the natural rights of man. "He is one of those great beings that in a world crowded with little men lift themselves far above the mass and by the sheer force of moral grandeur radiate sweetness and light. In his person all cares, all petty feelings, and all haunting fears fade away; one is before eternal verities, and we felt that night as though we had had a prophet in the house."⁴⁴ If a man's philosophy is proved by a life conforming with its doctrines, Scholastic Philosophy has in him a worthy exponent. "By their fruits ye shall know them."

The right of property is a fundamental principle of true political liberty. To what may we attribute its growth and development in Europe? Among the barbarous tribes that inundated Europe, the communistic theory of government obtained. The system was almost universally practised. What caused it to disappear? The most instrumental cause of the change from the nomadic life to one of permanent abode on the part of the northern races, was the foundation of the monasteries. The communities that sprang up around the monasteries, and the farms that radiated in all directions, were the results of the teachings of the monks in agriculture and social principles. The rights of the individual to his life, property and product of his toil were taught and practised. Agriculture and community life could not have developed otherwise. Men will not devote themselves to farming pursuits unless their rights to the land and the product of their labor are enforced, and community life is impossible without an acknowledgment on the part of all of the rights of each.

⁴⁴ P. 803. Vol. II, "Belgium—A Personal Narration," by Brand Whitlock, Appleton, N. Y.

The doctrine of Catholicism taught by the monks was that men, women, and children, by their very nature, had certain duties to perform to God, to themselves, to their families and to society; and that on account of these duties imposed upon them by their nature they had a moral power over actions and things necessary to perform these duties, which powers were termed natural rights; and no one, not even governments, could deny them the legitimate exercise thereof. The well-tilled farms, the villages, the schools and the development of the arts and crafts are so much objective evidence that the Catholic theory of duties and rights was not only taught but practised. No one fact stands out more conspicuously in European civilization than that the right to property—real and personal—was developed and firmly established by the monks.

A fuller growth and development, as the result of the teaching of the doctrine of the right of private property, is seen in the thirteenth and fourteenth centuries, when under the Benedictines, Carthusians, Francisians, Carmelites, Cistercians, Augustinians and Dominicans, the monasteries reached their highest state of influence and they became the chief leaders in Europe in agriculture and such commercial enterprises as carving, bell-founding, painting, stain-glass making, sculpture, illumination, goldsmithery, organ building and architecture. "Some idea of the power of one of these great monasteries," writes Ralph Adams Cram, a member of the Anglican Church and a recognized authority on the subject, having devoted years of study to the architecture of the monasteries and the social and political influence they exerted on their times, "may be gained from traces still existing of the center of trade built up by the monks outside their gates. Here, at the head of tidewater, in a most out-of-the-way spot, a great stone quay was constructed, to which came ships from foreign lands. Near by was a great market place, now, as then, called Cheapside, though commerce exists there no longer. At the height of monastic glory the religious houses were actually the chief centers of industry and civilization, and around them grew up

the eager villages, many of which now exist, even though their impulse and original inspiration have long since departed. Of course, the possessions of the abbey reached far away from the walls in every direction, including many farms even at a great distance, for the abbeys were then the great land-owners, and beneficent landlords they were as well, even in their last days, for we have many records of the cruelty and hardships that came to the tenants the moment the stolen lands came into the hands of laymen."

"Another evidence of the industry and far-seeing wisdom of the monks may be found in their care for a pure and copious water supply and adequate drainage. Here at Beaulieu the water was brought by an underground conduit from an unfailing spring a mile away, and this served for drinking, washing and bathing, a supply of the fish ponds, and for the constant flush of the elaborate system of drainage. In sanitary matters the monks were as far in advance of the rest of society as they were in learning and agriculture. For century after century they were the centers of civilization, from which radiated the influence that has made English character what it is: to them, more than to any other single power in the land, is due the sterling character of our forefathers."⁴⁵ The same author states in the introduction to his book, that over thirteen hundred ⁴⁶ of these institutions, including cathedral and chantry schools, were destroyed during the religious revolt. A critical reading of this treatise on the monasteries will well repay anyone in quest of the influencing agencies in English social and political life.

Not alone in the development of the right of property and the agricultural and commercial life of England was monastic influence beneficial, but in the very government of the people their power was a potent factor for democracy. "The old upper chamber of England, the Mediæval House of Lords, was an eminent representative body. Out of the 625 or more

⁴⁵ "The Ruined Abbys of Great Britain," pp. 83, 84. James Pott & Co., New York.

⁴⁶ Other non-Catholic authorities say 1,100.

members of the English House of Lords at the present time above 550 hold their seats by heredity. Only about 75 are in some sense elective. At least one-half of these elective peers, however, must be chosen from the heredity nobility of Ireland and Scotland. Nearly nineteen-twentieths of the membership of the House of Lords, as at present constituted, owe their place in national legislation entirely to heredity. Until the Reformation, so-called, this was not so. More than one-half of the English house of Lords, a good working majority, consisted of the Lords spiritual. Besides the Bishops and Archbishops there were the Abbots and Priors of monasteries, and the masters of religious orders. These men, as a rule, had come from the people. They had risen to their position by intellectual abilities and by administrative capacity. The abbots and other superiors of religious orders had been chosen by their monks as a rule because, having shown that they knew how to rule themselves, they were deemed most fitting to rule over others."⁴⁷

That the form of government adopted by the Church reacted on secular government with democratic effects is the opinion of our ex-President, Woodrow Wilson. Surely no one will deny that ex-President Wilson is a contemporary authority equal to any on what constitutes democracy, and he has paid his homage to the democratic influence of Catholicism on government in the following words: "The only reason why government did not suffer dry rot in the Middle Ages under the aristocratic systems which then prevailed was that so many of the men who were the efficient instruments of government were drawn from the church—from that great religious body which was then the only church, that body which we now distinguish from other religious bodies as the Roman Catholic Church. The Roman Catholic Church was then, as it is now, a great democracy. There was no peasant so humble that he might not become a priest, and no priest so obscure that he might not become Pope of Christendom, and every chancellery in Europe, every court in Europe,

⁴⁷ "Thirteenth Century Greatest of Centuries," Appendix, p. 434. Dr. J. J. Walsh, New York, 1912.

was ruled by those learned, trained and accomplished men,—the priesthood of that great and dominant church. What kept government alive in the Middle Ages was this constant rise of the sap from the bottom, from the rank and file of the great body of the people through the open channels of the priesthood.”⁴⁸ In a word, among the rulers, the efficient, learned, trained and accomplished ones had come in most cases from the people, and that on account of Catholicism!

Because the most of what has been written has partially recorded the development of democratic principles of government only in England, it must not be concluded that it was in England alone that the multitude were participating more and more in the affairs of government. In the Middle Ages, in Italy, the very home of Catholicism, we see the spread of popular government in the existence of the republics of Genoa, Pisa, Venice, Naples, Florence and Sienna. Could it be possible that these republics arose in spite of the opposition of Catholicism? On the contrary, the Popes did everything in their power to aid them in gaining their independence of the German emperors. If the Popes had been opposed to the republics of Italy, the League of Lombardy would never have supported Pope Alexander III against Frederick Barbarossa as they did, nor would they have named the city they founded—Alessandria—in his honor when Frederick was defeated in 1177. The Popes were at all times in sympathy with the aspirations of the people of Italy for their political independence, and among Italian patriots not one stands out more prominently in the cause of Italian unity and freedom than Pope Innocent III.

If considerable space has been devoted to show the growth of the principles of democracy in the thirteenth century, it is for the reason that this century witnessed the apogee of the power, glory, influence and wealth of Catholicism in all the countries of Europe. The thirteenth century was pre-eminently Catholic. The Church was powerful enough to have strangled at its birth any theory of government that

⁴⁸ P. 85—“The New Freedom,” by Woodrow Wilson. Doubleday, Page & Co., N. Y. 1919.

was in conflict with her own. England was Catholic, and yet the development and growth of civil liberties was continuous, practically all the leaders in the movements being members of the hierarchy.

As a summary of the Middle Ages—the age of Catholicism—we have a gradual lessening of royal and arbitrary power and a co-relative increase in the affairs of government by the multitude, especially in England, a future stronghold of the Reformation. In our rapid glance we have seen the destruction of slavery and the elevation of woman; we have seen existing, if not in their maturity at least in their infancy, the constituent democratic principles of trial by one's peers, due process of law, property rights of inheritance of widows and children, the Commons admitted to Parliament, taxation with and by common consent of the realm, protection of the rights and liberties of workingmen as illustrated by the guilds, the teachings of Thomas Aquinas and the Schoolmen of the right of legitimate rebellion against rulers when natural rights are denied, of the proper object of government, and most important of all, of the right of self-determination in government—the power to establish any particular form of government resides in the multitude.

If the reader will compare political conditions at the beginning of the Middle Ages with those at the end, a wonderful development is apparent. Accomplishments might not have been great, but in the evolution of political theories it is not accomplishment, but development, that counts.

Part III

THE PRE-REFORMATION PERIOD

In the fourteenth and fifteenth centuries the Hanseatic League reached the zenith of its power. It was the outgrowth of the merchant guilds of the eleventh and twelfth centuries, and modelled by German merchants after the League of Lombardy. Having been eye-witnesses of the personal liberty of the peoples they visited, the German merchants of the Holy Roman Empire, as they called themselves, returned home to develop this liberty in a broader sphere in the world's political economy.

To the Hanseatic League credit must be given for establishing freedom from molestation and the property rights of travelling merchants on sea and land routes. Piracy and robbery were in those times the sport of princes and petty rulers, and many an empty royal coffer was replenished with ill-begotten wealth obtained by the robbery of foreign travelers. So powerful, however, did the free cities of Germany become by means of their confederation that the rights of intentional wreckage and salvage were annulled, the rights of their citizens in foreign countries respected, the right to reimburse from robbery recognized, and the power of kings and princes over the cities with whom they carried on commercial relations curtailed. In Lubeck, the chief city of the league, an international court was established where sea and land claims of citizens of different nationalities were adjudicated. It was the first time in the history of the world that the democracy of the seas was claimed and allowed, and the international rights of peoples accorded their due, regardless of the powers of king or prince.

And Hansa was Catholic to its innermost fiber. "It is very remarkable that the Hanseatic League selected religious communities as their model, in all that concerns the system of

life of the clerk in their counting houses. Their clerks ate in common, had common dormitories, and none of them were allowed to marry. Any one of them transgressing this law forfeited his rights to remain a member or a citizen of the Hanseatic Confederation."⁴⁹ "In 1401 we find merchants and shippers at Lubeck founding 'an eternal brotherhood' and guild to the honor of God, of Mary, His beloved mother, and all the saints; above all the holy true helper in need, St. Nicholas, that they may aid and comfort the living and the dead, and all those who seek their rightful livelihood on the water, many of whom, alas! perish in water troubles, and thrown overboard and expire in other ways, dying unconfessed and without repentance, for account of their agonies they could neither have remorse nor penitence for their sins and who have none to pray for them except the general prayers."⁵⁰

On one occasion Brunswick rebelled against the league, but in a very short time was forced to make amends for the wrongs she committed. "It had to send deputies to Lubeck, who craved pardon in the most abject terms, and who had to accept the most humiliating conditions. Besides the questions of internal management, the Brunswickers undertook to build a votive chapel in the town in memory of their bad behavior, and to send pilgrimages to Rome who should crave the Papal pardon for the murders of councillors committed by the rioters. Two burgomasters of Brunswick and eight of the chief citizens walked humbly in procession, bareheaded, barefooted, carrying candles in their hands from the Church of Our Lady at Lubeck, to the town hall, where in the great council chamber of the league, before an enormous crowd, they had publicly upon their knees to confess their repentance for what unruly passion had caused them to do, and to implore their confederates to pardon them for the love of God, and the honor of the Virgin Mary."⁵¹ Thus they acknowledged the rights of others and made restitution for rights they had violated. A

⁴⁹ Balmes sup. cit., p. 354.

⁵⁰ "The Hansa Towns," p. 106, by H. Zimmermann.

⁵¹ Ibid., p. 85.

theory taught them by their Catholic instructors and a principle they caused to be established and practiced in their social and commercial intercourse with other nations.

Among the notes of a democracy in our definition was the right to an education—the full development of man's powers or faculties. There can be no real democracy in government unless the masses are educated morally, intellectually and physically. What did Catholicism do for education in the cause of democracy? The monastic, canonistic, chantry, guild, hospital, cathedral and city schools, and the universities she established—and, in all, they numbered thousands—is the answer. Among the universities founded up to the end of the fifteenth century the most prominent ones were Oxford, Cambridge, Louvain, Basle, Salamanca, Alcala, Ferrara, Montpelier, Cologne, Vienna, Padua, Prague, Rostock, Erfurst, Heidelberg, Freiburg, Griefswald, Leipsic, Ingoldstadt, Tübingen, Wittenburg, Paris, Bologna and the now famous Sorbonne. What an array of testimony for her solicitude in matters educational.

In proportion to the population, the numbers attending the universities were greater than they are today,⁵² and the curriculum was as complete as the knowledge of the times was full. All classes benefited, and "working one's way through college" was as prevalent as it is today, if not more so. In the lower grade schools the knowledge imparted was befitting to the future life needs of the pupils. In the universities, it is true, they devoted most of their attention to the arts, but the cultivation of the arts, and not the sciences, is the measure of the degree of the civilization of a people. "Refinement in public tastes and manners, and gentleness and polish in social intercourse" are the most essential elements in civilization, and no amount of scientific education can ever be productive of these qualities in character which make life worth

⁵² Cf. "Rise and Early Constitutions of Universities, with a survey of Medieval Education," by S. S. Laurie, LL.D., Professor of the Institute and History of Education in the University of Edinburgh. New York: D. Appleton & Co.

living. It is the function of the arts to do this. Science appeals only to the intellect—the true, while art appeals to the intellect and emotions—the true, the good, and the beautiful; its educational value to the individual, therefore, is greater. Again, science interests only a class, whereas art interests all humanity, and is itself the resultant of the manners, habits, and ideals of the people of an age. Science, nevertheless, was not neglected. The cathedrals of Europe, which we in the twentieth century copy, but cannot equal, are living witnesses to the widespread knowledge of the mathematical sciences—they could not have come into being otherwise—and their furnishings are sufficient evidence of the wonderful technical training that must have been imparted, for in these days they are considered masterpieces, which our modern technical schools endeavor to imitate as best they may. If we may judge from the various accomplishments in painting and stain-glass making, the science of chemistry, too, must **have** been taught with thoroughness, for the perfection of coloring in these two arts alone is still the envy of our modern artists.

What were the political conditions in England in the fourteenth and fifteenth centuries? In *Concerning the praises of England's Laws*, written by Sir John Fortesque, Lord High Chancellor under Henry VI, a pen picture is drawn of English life in those times. This book was written for the instruction of Henry's son, Prince Edward of Wales, in order to acquaint him, before his accession to the throne, with the social and political conditions in England. Sir John informs the prince that the king cannot despoil the subject without making ample satisfaction: "He cannot by himself, or his ministry, lay taxes, subsidies, or any imposition of what kind soever, upon the subject; he cannot alter laws, or make new ones, without the express consent of the whole kingdom in Parliament assembled; every inhabitant is at his liberty fully to use and enjoy whatever his farm produceth, the fruits of the earth, the increase of his flock, and the like; all the improvements he makes, whether by his own proper industry or of those he retains in his service, are his own to use and enjoy

without the let, interruption, or denial of any; if he is in anywise injured, or oppressed, he shall have his amends and satisfaction against the party offending; hence it is, that the inhabitants are rich in gold, silver, and in all the necessities and conveniences of life. They drink no water, unless at certain times, upon a religious score, and by way of doing penance. (Their government did not believe in prohibition in those days!) They are fed in great abundance with all kinds of flesh and fish, of which they have plenty everywhere; they are clothed throughout in good woolens; their bedding and their furniture in their houses are of wool, and that in great store; they are also well provided; everyone, according to his rank, hath all things which conduce to make life easy and happy. They are not sued at law, but before the ordinary judge, where they are treated with mercy and justice, according to the laws of the land; neither are they impleaded in point of property, or arraigned for any capital crime how heinous soever, but before the king's judges, and according to the laws of the land. These are the advantages consequent from that politically mixed government which obtains in England."⁵³ The author states in a subsequent passage that trial by jury was then the law of the land.

If conditions in England were such as portrayed in this passage, democratic principles of government were firmly established, and it would be rash to assert that our plebian classes today are as well off. When we consider why the book was written and the probity of the writer, there can be no reason to doubt its truthfulness. It will also be noted that the passage quoted substantiates in more than one respect the testimony of the Protestant historian, Cobbett, previously given: "Before the event called the Reformation, England was *more powerful and more wealthy*, and the people were *more free, more moral, better fed and better clad* than at any time since that event." That they were more free, Stubbs also maintains: "Never before and never again for two hundred years were

⁵³ Chap. XXXVI, pp. 142, 143. Trans. by Francis Gregor. Cincinnati, R. Clarke & Co., 1874.

the Commons so strong as they were under Henry IV."⁵⁴ And Plummer states that "the people acquired a larger measure of liberty than they were able to use; and the Commons, though bold in stating their grievances, were often helpless in devising remedies. In the words of Dr. Stubbs, 'constitutional progress had out run administrative order.'"⁵⁵

Fortescue's *Concerning the praises of England's Laws and Goverance of England* influenced not only contemporary, but subsequent political events in English history. In the seventeenth century he "was constantly appealed to as an authority by the constitutional party; and his writings played a part not altogether inconsiderable in the preservation of English liberties."⁵⁶ Garnet's *English Literature* states⁵⁷ that the *Goverance of England* owes its position in English literature to the "exhaustive commentary" of Charles Plummer, that his edition is "especially valuable" and "no word is superfluous" in praise of it. Whether or not Garnet be accepted as an authority, the fact remains that the work of Plummer is one of exceeding great merit, and especially interesting to the student of history in search of the sources of political principles incorporated in the Bill of Rights. The *Goverance of England* acquires added importance in the development of later political thought when it is remembered that it was the earliest constitutional treatise written in the English language," and as such served as a source for all future students of political philosophy.

In view of the importance of Fortescue's works it is necessary to consider here the sources of his political ideals. Langton, Winchelsea and practically all the leaders in the struggles for English political liberty in the twelfth and thirteenth centuries received their training either in whole or in part at the University of Paris; they were one and all expounders of Scholastic Philosophy, and Fortescue is no exception to the rule. Although not educated at Paris, yet he is indebted to the

⁵⁴ "Constitutional History," Chap. III, p. 72.

⁵⁵ Plummer, sup. cit., Intro. p. 3.

⁵⁶ Ibid. Intro., last sentence.

⁵⁷ Vol. I, p. 250.

Schoolmen, especially Aquinas, William of Auvergne, Vincent of Beauvais, and Colonna Egidio (Aegidius Romanus) for the most of his propositions and their proofs. When he does not borrow directly from them, he enunciates principles that are the logical deductions from their theories. From the *Summa* and *De Regimine Principum* of Aquinas⁵⁸ he quotes directly, and next to the *Politics* of Aristotle, the *De Regimine Principum* was "the most popular, the most authoritative political handbook of the Middle Ages."⁵⁹ He also quotes from the *De Regimine Principum* of Colonna Egidio, the influence and the widespread popularity of which may be judged by its translations into the English, French, Spanish and Hebrew languages. It would be as absurd to deny that the first constitutional treatise written in the English language was the fruit of Scholastic Philosophy, as it would be to deny that the Schoolmen prepared the foundation and laid down the principles for all our modern discussion of political problems.

It is doubtful if any institution contributed more to the development of the philosophy of democracy or shed more glory on the Catholic Church than did the University of Paris in the eleventh, twelfth and thirteenth centuries, and yet "no institution ever injured the Church more than did the decadent University of Paris. From its blows the Church has not yet recovered, and probably never will recover"⁶⁰—*corruptio optimi pessima*.

That the Catholic Church was wealthy and powerful in the twelfth and thirteenth centuries cannot be denied, but with her wealth and power came corruption. The abuses that partially undermined her strength, however, came not directly from these sources, but from the feudal lords, princes, kings and emperors who used her power and wealth for their own selfish purposes rather than for the common good.

⁵⁸ Thomas Aquinas died before he completed this work, and it was finished by Bartholomew of Lucca.

⁵⁹ Plummer, *sup. cit.*, p. 171.

⁶⁰ P. 18, Intro., "Joan of Arc," by Rev. D. Lynch, S.J.

In our short sketch we have seen the clergy always on the side of the people against arbitrary and despotic rulers. Even D'Aubigne admits "she was at all times the powerful friend of man."⁶¹ European rulers saw their power gradually lessening on account of the persistent attitude of the Catholic hierarchy against the illegitimate use of civil power. What could be done to stem the tide of popular government? There was one solution, and only one—control the clergy and the hierarchy, and through them the wealth and power they possessed. But how?

The method of election in vogue in the Church was that abbots should be elected by their monastic chapters and secular bishops by their cathedral chapters. These elections, when free and uncontrolled by civil authorities, in practically all cases, elevated none but the best qualified candidates to the higher offices. As early as the eleventh century Henry IV of Germany claimed the right of nomination and investiture to vacant abbacies and bishoprics. Investing with ring and crozier was a symbol used to show the sources of spiritual power, and Henry wished to impress upon the hierarchy the fact that he was the source of both spiritual and temporal authority. Wise in the experience of ages, the Church saw the train of abuses that would necessarily flow from the inauguration of such a system, and Gregory VII denied Henry the right of any jurisdiction whatever in spiritual matters. The anathema of excommunication, the only weapon in the hands of the Popes to combat the physical force of civil rulers, was hurled against him, and all abbots and bishops were placed under interdict who accepted spiritual jurisdiction at his hands, but notwithstanding this bishoprics and benefices were openly traded in at his imperial court. For Rome it was a question either of temporal domination in things spiritual, with resultant scandals and slavery, or of freedom in nomination, election, and investiture of her ministers eventuating in virtuous and able dignitaries. The firmness of Gregory finally ended in the defeat of Henry, and he retired to Canossa to

⁶¹ Vol. I. p. 40, Carter's Ed., 1843.

do penance for his transgression on spiritual domains. The deadly virus, however, had entered the body of the Church, and never failed to reappear whenever the condition, times, and place were propitious.

The fourteenth and fifteenth centuries witnessed the culmination of abuses caused by this evil wherever it prevailed. Rome was far away, means of communication were slow, and not always was she cognizant of the true state of affairs. The Council of Basle (1431-37) met to reform abuses then existing. Charles VII of France called a National Council at Bourges in May, 1438. The decrees of reform issued by the Council of Basle were accepted by Charles only with reservations, and he issued what is known as the *Pragmatic Sanction*, giving to the Parliament of Paris jurisdiction in ecclesiastical matters, the Pope to have no authority in spiritual concerns other than they might deign to confer upon him. Under Charles' immediate successors, Louis XI and Louis XII, the *Pragmatic Sanction* remained in force. In France the very source of the Church's strength was polluted, for freedom of nomination and election was curtailed, and in many instances commendatory abbots were appointed. These were mostly laymen, sometimes even children, who were non-resident and exercised no authority in the internal discipline of the monasteries, but controlled all monastic revenues and temporal affairs. The churches and their emoluments were henceforth practically owned by the civil power, and this is the real reason why the Reformation did not prevail in France as it did in Germany and England—there was nothing for the rulers and the ruled to plunder. When a vacancy in a secular bishopric occurred, the nomination and election was by and with the consent of the king and Parliament. Sycophantic courtiers and clergy became profligate tools, using things spiritually for the worldly gain of unscrupulous and royal despots.

The condition of the Church in England and Germany during the fourteenth and fifteenth centuries was similar to that in France, with this exception: the Church's revenues and property never came under the control of the civil power as did those of France.

The sequence of events leading up to the period of the Reformation has been succinctly stated by Ralph Adams Cram in his book already quoted. He writes: "Another point to be remembered is that at this time, viz., the accession of Henry VIII, the Church apart from the monasteries was in a bad way. Early in the fourteenth century the civil power exemplified by the French monarchy had asserted and established an unwholesome and impossible supremacy over the Church; the result had been the exile of the Papacy at Avignon, which brought to an end by St. Catherine of Sienna, only gave place to a greater evil, the Great Schism. "The Babylonian Captivity" lasted seventy-five years, the scandal of the anti-Popes thirty-five years more. Bishop Stubbs⁶² has called the thirteenth century 'the golden age of the Church.' It was this in the fullest degree, but at the very moment when Christian civilization had reached its highest point, the fostering power, the Church, succumbed to secular attacks, was beaten down into the dust, and through Avignon and the anti-Popes was paralyzed and rendered impotent to stop the flood of paganism that was fast rising into the deluge of the Renaissance."⁶³

The exile of the Papacy at Avignon, to which the above author refers, was brought about by Philip the Fair of France. Having been upbraided by Boniface VIII for debasing French currency and overtaxing the people and the Church, Philip caused an attack to be made on the person of the Pontiff which resulted in his death. His successor, Benedict XI, died⁶⁴ in the act of launching a bull of excommunication against Philip. Through the powerful influence of Philip, Clement V, a Frenchman was elected to the Papacy and brought a prisoner to Avignon, where the seven French Popes who succeeded him remained under the influence of the French king. This is what is known as the "Babylonian Captivity."

The Great Schism (1378-1417) or the scandal of the anti-Popes mentioned in the quotation, started on the return to

⁶² The non-Catholic constitutional historian previously referred to.

⁶³ Sup. cit., Intro., p. 7.

⁶⁴ Tradition says he was poisoned.

Rome of Grégory XI from Avignon. Upon the death of Gregory XI (1378) the Church, wishing to rid herself of French political influence, elected as Pontiff Urban VI, an Italian. Dissatisfied with such a choice, France set up a Pope of her own in the person of Clement VII, a relative of most of the reigning families of Europe, and for the next thirty-nine years Europe was divided in its spiritual allegiance, causing great laxity in Church discipline and disputes as to the source of legitimate authority. Under such conditions is it any wonder there were abuses? Yet their magnitude and extent were never as great as party-pleading historians have asserted, but like disease and scandal it is talked about most, and "the good is oft interred with their bones." While human nature remains as it is, wealth and power will always be a temptation for the covetous and ambitious. Moral force alone is the only power that can move the free-will of man—a prerogative of all humans which even God Himself respects.

But in the partial darkness of abuses in the fourteenth and fifteenth centuries, there is a fact that stands out with the brilliancy of the evening star: Never did a Pope, council or authorized teacher of Catholicism enunciate a political principle which was the cause of a single abuse suffered by the proletariat, but on the contrary she prescribed and anathematized every wrong inflicted on them: During this period of corruption her dogmas remained untarnished, as they have through the ages, and she continued to insist that the natural rights of all men be recognized by those within and those without her fold. Success did not always adorn her banner but when she failed and abuses followed, it was always due to the *practice* and not to the *theory* of the children of her own household—always her worst enemies—Judas-like kings, princes, lords and clergy, who used spiritual power and wealth for their own personal ends and not for the welfare of mankind. Could Catholicism have prevented the conditions? Physical power she had none; worthy ministers and legitimate use of the wealth she possessed were her only human sources of power, and once these were prostituted to material gains

and personal ambitions her power and influence in civil affairs were destroyed. The abuses existing can be attributed to no other cause than the encroachments of the civil power on the freedom of the Church in the selection of her ministers. History blames Rome for the abuses, yet history characterizes papal authority as despotic and tyrannous whenever she demanded that her rights in the spiritual world be recognized and she be allowed the freedom necessary to prevent existing abuses and scandals.

PART IV.

THE REFORMATION

"A reformation is a correction or amendment by the removal of faults or errors";⁶⁵ that is, it is a movement which has for its object the conforming of actions or practices with a recognized standard or theory of principles in the social, political and moral order. The term includes, then, not only a recognition of abuses, but a norm of judging actions.

What were the abuses the reformers of the sixteenth century sought to correct, and what standard served them in predicating these abuses? The abuses have already been narrated; the standards were the moral and political doctrines of Catholicism. There was no question of reforming principles, but there was an earnest demand that practice accord with precept. Was any attempt made by the reformers in England, Germany, Switzerland and Scotland to correct abuses? Did they try to put into practice the democratic ideas that had been taught and developed? Did they recognize the natural rights of the multitude to life, liberty and property? Or did they by their precepts and practices aggravate existing abuses and destroy what little remained of popular government?

It is proposed to view the Reformation and its effects as a whole, and to examine its specific doctrines and their influence on the evolution of democracy. In our study of the doctrines of the Reformation we will of necessity have to study those of Protestantism. Protestantism, or the Reformation, will be viewed as a system of philosophy with definite principles and practices, having for their aim and object the spiritual and material betterment of mankind.

It would be to no purpose to object to the exposition of the doctrines of the Reformation or Protestantism as contained

⁶⁵ Webster's Dictionary.

in the following pages on the ground that modern Protestantism no longer accepts them. If they were true then they are true now; if they are false now, they were false then. The question under consideration is whether our modern democratic institutions are the fruit of the dogmas of sixteenth century Protestantism, and sixteenth century Protestantism is the Protestantism of Luther, Colvin, Knox, Henry VIII, Elizabeth and their disciples.

There is a dilemma for those who maintain that the Reformation was productive of democracy, for "it is remarkable that the greatest increase of royal power in Europe dates precisely from the commencement of Protestantism. In England, from the time of Henry VIII, not only did monarchy prevail, but a despotism so cruel that no vain appearance of impotent forms have availed to disguise its excesses. In France, after the Huguenot war, royal power became more absolute than ever; in Sweden, Gustavus ascended the throne, and from that time kings began to exercise an almost unlimited power; in Denmark, monarchy continued, and became stronger; in Germany, the kingdom of Prussia was formed and absolute forms generally prevailed; in Austria, the empire of Charles V arose in all its power and splendor; in Italy, the small republics were fast disappearing, and the people under some title or another, became subject to princes; in Spain, in fine, the ancient cortes of Castile, Aragon, Valentia, and Catalonia fell into disuse; that is to say, instead of seeing by the accession of Protestantism, the people take one step towards representative forms, we find, on the contrary, that they rapidly advanced towards absolute government."⁶⁶

How can this increase in royal power and spread of monarchical forms be accounted for? There is only one explanation. It was due to the theory and practice of the reformers in uniting spiritual and temporal jurisdiction in the person of the prince or king, thus establishing a complete union of church and State, the head of which ruled by divine right, Such a doctrine necessarily weakened moral force, and the

⁶⁶ Balmes, *sup. cit.*, p. 363.

moral force being taken away, there was nothing to check the ambition and avarice of rulers, and nothing to control the passions of the people but physical force exercised by absolute government. That ambition and avarice in rulers prevailed is evident from the historical facts recited above, and we have it on the authority of Luther himself, surely an impartial witness, that the people had reached the acme of passionate indulgence. "The world grows worse and worse, and becomes more wicked every day. Men are more given to revenge, more avaricious, more devoid of mercy, less modest and more incorrigible; in fine, more wicked than in the Papacy."⁶⁷

That the immediate effects of the Reformation were license on the part of the multitude and tyranny on the part of civil rulers is admitted by the Protestant historian, Hallam. "The most striking effect of the first preaching of the Reformation," he writes, "was that it appealed to the ignorant, and though political liberty in the sense we use the word, cannot be reckoned the aim of those who introduced it, yet there predominated that revolutionary spirit which loves to witness destruction for its own sake, and that intoxicated self-confidence which renders folly mischievous."⁶⁸ "The adherents to the Church of Rome have never failed to cast two reproaches on those who left them; one, that the reform was brought about by intemperate and calumnious abuse, by outrages of an excited populace, or by the tyranny of princes; the other, that after stimulating the most ignorant to reject the authority of their Church it instantly withdrew this liberty of judgment, and devoted all who presumed to swerve from the line drawn by law to virulent obloquy, and sometimes bonds and death. These reproaches, it may be a shame for us to own, 'can be uttered and cannot be refused.' But without extenuating what is morally wrong, it is permitted to observe that the Protestant Religion could, in our human view of consequences, have been

⁶⁷ Luther in *Postilla*, sup 1, Dom. Adventus. Quoted by Spaulding in his "History of the Protestant Reformation," Vol. I, p. 257. J. Murphy Co., Baltimore, New York.

⁶⁸ "History of Literature," Vol. I, sec. 12, p. 192. New York, Harper & Bros., 1856.

established by no other means.”⁶⁹ Thus, according to Hallam, the Reformation was established by “morally wrong” means, and could have been established by no other, viz.: the tyranny of princes over the most ignorant by means of “sometimes bonds and death”; and also, be it further noted, political liberty was not “the aim of those who introduced it.”

That this increase in arbitrary and absolute government was as prevalent upon the introduction of Protestantism as the authorities cited assert, is also maintained by the Protestant historian, Menzel. In his “History of Germany” he writes: “The defeat of the nobility and peasantry had crushed the revolutionary spirit in the people; and the Reformation, stripped of its terrors, began to be regarded as advantageous by the princes. Luther also appeared, not as a dangerous innovator, but in the light of a zealous upholder of princely power, the divine origin of which he even made an article of faith, and thus through Luther’s well-meant policy the Reformation, the cause of the people, naturally became that of the princes, and, consequently, instead of being the aim, was converted into a means of their policy. In England, Henry VIII favored the Reformation for the sake of becoming Pope in his own dominions, and of giving unrestrained license to tyranny and caprice. In Sweden, Gustavus Vasa embraced the Lutheran faith as a wider mark of distinction between the Swedes and Danes, whose king, Christiern, he had driven out of Sweden. His example was followed (A. D. 1527) by the grandmaster, Albert of Prussia, who hoped by this means to render that country an hereditary possession to his family. His cousin, the detestable Casimer von Culmbach, sought to wipe out the memory of his parricide by his confession of the new faith;”⁷⁰ and on the following page he continues: “The sequestered bishoprics were provisionally administered, and the affairs of the Lutheran Church controlled by commissioners selected from among the reformers and by the

⁶⁹ Ibid., Vol. I, sec. 34, p. 200.

⁷⁰ “History of Germany,” Vol. II, p. 248, by Wolfgang Menzel. Trans. from the fourth German edition by Mrs. G. Horrocks. London, 1892.

councils of the princes, Luther incessantly promulgating the doctrine of the right of temporal sovereigns to decide all ecclesiastical questions. His intention was the creation of a counterpoise to ecclesiastical authority, and he was probably far from imagining that religion might eventually be deprived of her dignity and liberty by temporal despotism. Episcopal authority passed entirely into the hands of the princes."⁷¹ Yet Luther knew that the abuses his reform sought to correct were the result of civil authority encroaching on the domain of the spiritual. While Menzel tries to excuse Luther in his intention, Hallam is more nearly correct and just in saying Luther recognized that his reform could be established in no other way.

SWITZERLAND

The inhabitants of Switzerland, united in a peaceful confederation of thirteen cantons, owed the civil liberties and democratic form of government they possessed at the beginning of the Reformation to their Catholic patriots, Melchtal and Furst. As early as 1387 a Catholic Bishop, Adhemar Fabri, had written a declaration of rights which served as the Magna Charta for Swiss freedom. What was the effect of the Reformation on democratic government in Switzerland. Did it further develop, retard or destroy it?

While Zurich was the first city of Switzerland to embrace the form under the leadership of Zwingli, it was Geneva that became the great center of the Reformation under the guidance of the French refugee, John Calvin—a learned man of calculating, morose and domineering character. The immediate effect of the Reformation in Zurich, if we may believe the testimony of the Protestant Swiss historian, D'Aubigne, may be summarized in three words: robbery, destruction and civil war; and the result at Geneva under Calvin was to destroy the rights of the Swiss people to their life, liberty and property.

Having obtained absolute control of the council of Burgo-

⁷¹ *Ibid.*, p. 249.

masters, Calvin established his consistory, which abrogated to itself the religious and political control of Geneva, and through his initiative legislation affecting the social, political, and religious rights of the people was enacted. A few of these, well illustrative of the whole, will prove how completely the vast majority of the Swiss were deprived of their political freedom. The source of the quotations given is the exhaustive and well-authenticated work of the Protestant historian, Audin,⁷² than whom there is no better authority on the subject.

The first objects of Calvin's solicitude in the matter of reform were the mechanics and laborers whom he styled "Libertines." For their betterment, and the betterment of the Swiss people as a whole, laws were passed which "punished with imprisonment the lady who arranged her hair with too much coquetry, and even her chambermaid who assisted at her toilet; the merchant who played at cards, the peasant who spoke too harshly to his beast, and the citizen who had not extinguished his lamp at the hour appointed by law,"⁷³ "Men were forbidden to dance with women or to wear figured hose, or flowered breeches."⁷⁴ "Woe to him who did not uncover his head at the approach of Calvin; he was fined. Woe to him that gave him a flat contradiction; he was brought before the consistory and menaced with excommunication."⁷⁵ "All were ordered to eat meat on Friday and Saturdays under penalty of imprisonment."⁷⁶ One Chaphius was kept in prison four days because he would not call his child Abraham, although the minister wished it."⁷⁷ The reader may judge for himself how destructive these laws were of personal liberty and the development of democracy.

⁷² "Histoire de la Lie, des Ouvrages et des Doctrines de Calvin," two volumes, 8vo., Paris, 1843. The quotations and references given in the following pages are taken from the work of Spaulding, *sup. cit.*, being translations made by him directly from the original. Cf. Spaulding, *sup. cit.*, p. 372, footnote.

⁷³ Audin, Vol. II, p. 12.

⁷⁴ *Ibid.*, p. 138, from Register of Geneva, July 14, 1522.

⁷⁵ *Ibid.*, p. 173, from Register of Geneva, December 31, 1543.

⁷⁶ *Ibid.*, p. 185, from Register of Geneva, April 16, 1543.

⁷⁷ *Ibid.*, p. 185, from Register of Geneva, 1546.

There is nothing that oppresses the freedom of the masses so much as espionage, yet Calvin "kept in his pay secret informers, in order to learn the secrets of families."⁷⁸ Besides these, there was another band of spies, the elders, recognized by law, who could penetrate once a week into the most mysterious sanctuary of domestic life, in order to report to the consistory what they might see and hear."⁷⁹ How little freedom of speech and the right to life were valued by Calvin is well illustrated in his letter of instructions to the Marquis de Pouet: "Do not hesitate to rid the country of those fanatical fellows who in their conversation seek to excite the people against us, who blacken our conduct, and fain would make our belief pass as a revery; such monsters ought to be strangled, as I did, in the execution of Michael Servetus, the Spaniard."⁸⁰ Of course, the "fanatical fellows" were those who did not agree with Calvin. It would profit nothing to continue quoting legislation similar to the above; all the reformed statutes were identical in nature with those cited.

The reader may wonder how it was possible for one man to so dominate a people and destroy their freedom. There are modern examples of such domination. Napoleon in the nineteenth century obtained unlimited power by the mere force of his personality, which force, according to historical evidence, was not lacking in Calvin; and in the twentieth century, if we may believe contemporary accounts, Lenine, in Russia, has accomplished the same.

A mere cursory reading of the Reformation in Switzerland as written by Protestant historians will convince the most skeptical that it annihilated every vestige of democratic government, except in those cantons which rejected the principles of the reform and adhered to those of Catholicism.

GERMANY

Inasmuch as Germany was the birthplace of the Reformation, and it was there the much-heralded apostle of religious

⁷⁸ Ibid., p. 149.

⁷⁹ Ibid., p. 150.

⁸⁰ Ibid., p. 179.

and civil liberty—Luther—exerted his greatest influence, it would be logical to expect that above all other places the ideals of democracy would there receive their greatest impetus and development in practice as well as in theory. Was man's natural right to life, liberty and property respected by the German reformers?

There is a saying attributed to Frederick the Great that "pride and avarice had caused the Reformation in Germany, lawless love in England, and the love of novelty in France." No other conclusion can be drawn from the life of Luther, as written by his co-religionists, than that pride was his predominating fault, and avarice on the part of the temporal princes who supported the reform is written on every page of the history of the German Reformation. Although the reform was a purely religious movement in its conception, it eventually developed a political character, and it is this latter aspect of it that is the object of our study.

In the teachings of Luther the student is continually confronted with inconsistencies and contradictions in doctrine, and there is no explanation for this other than what Luther considered not what was right and just, but what was expedient for the accomplishment of his end. Having taught at first that civil authority and civil laws had no jurisdiction over those who served God, and that religion was of private interpretation, it soon became apparent to Luther that the people, after rejecting the authority of Rome in spiritual matters and the authority of their civil rulers in temporal affairs, were not going to submit to him as the supreme arbiter of their beliefs. Realizing his inability to stem the tide of dissension and revolution consequent upon his doctrines, he now appealed to the princes to establish the reform by means of the civil power, theoretically and practically teaching a complete union of Church and State. Rome had always condemned the seizure of church patronage by royalty, but Luther, to accomplish his designs, justified the appropriations of church property and revenues by the princes. The result of Luther's sycophancy to the ruling class is seen in the complete subjugation of the

peasantry. Some idea of their degraded and enslaved condition may be obtained from the appeal they made for redress of grievances to a board of arbitration, of which Luther and Melancthon were members. Surely here was an opportunity for the reformers, if they were friends of democracy, to espouse the cause of the common people contending for their natural rights; but Luther and Melancthon rejected the plea of the peasants for justice instead of listening to it with sympathetic interest.

Among the demands made by the peasantry as a result of violated rights, those relating to their civil affairs were: The right of hunting, fishing and fowling; the right to cut wood in the forests; the abolition of vassalage as iniquitous; the restoration of communal property, illegally seized; the peasant to be guaranteed from the caprice of his lord by a fixed agreement; the modification of the rent upon feudal lands, by which a part of the profit would be secured to the occupant; the abolition of dues on the death of the serf, by which the widows and orphans were deprived of their rights; and the administration of justice according to the ancient laws, not according to the new statutes and to caprice.⁸¹ The last demand shows in an especial manner what had been the effect of the Reformation and what it was the peasantry desired most—a reform of the reform, or a reversion to Catholic laws. The rejection of these demands led to the War of the Peasants, in which over one hundred thousand were slaughtered. That Luther, and the doctrines he taught, were the direct cause of this terrible catastrophe, is the accusation of his friend, Erasmus, and practically all contemporary and modern historians.

“Luther was by no means in politics an advocate of democracy, like Zuinglius and Calvin, but asserted the absolute power of princes, though he made his advocacy subservient to his own religious views and projects. It was by such conduct, and the influence which he thereby acquired, as well as by the sanction of the civil power, that the Reformation was pro-

⁸¹ Cf. Menzel, *sup. cit.*, p. 238.

moted and consolidated. Without this Protestantism would have sunk into the lawless anarchy which marked the proceedings of the Hussites, and to which the War of the Peasants rapidly tended; and it would have been inevitably suppressed, like all other popular commotions—for under the latter form Protestantism may be said to have sprung up several centuries before.”⁸² “In Germany there was no political liberty; the Reformation did not introduce it; it rather strengthened than enfeebled the power of princes; it was rather opposed to the free institutions of the Middle Ages than favorable to their progress.”⁸³ After reciting facts in proof of his statement, Guizot concludes by way of emphasis: “Thus, in Germany, far from demanding political liberty, the Reformation accepted, I shall not say servitude, but the absence of liberty.”⁸⁴ “Luther was the originator of the doctrine of unconditional surrender to civil power,” writes Scherr.⁸⁵ Menzel also corroborates these authorities, giving in detail the causes that brought about such political servitude. “Every obstacle was now removed, and a peace, known as the religious peace of Augsburg, was concluded by the diet held in that city. A. D. 1555. This peace was naturally a mere political agreement provisionally entered into by the princes for the benefit, not of religion, but of themselves. Popular opinion was dumb, knights, burgesses and peasants bending in lowly submission to the mandate of their sovereigns. By this treaty, branded in history as the most lawless ever concerted in Germany, the principle ‘*cujus regio. ejus religio*’—the faith of the prince must be that of the people—was laid down. By it not only all the reformed subjects of a Catholic prince were exposed to the utmost cruelty and tyranny, but the religion of each separate country was rendered dependant on the caprice of the reigning prince; of this the Pfälz offered a sad example, the religion of the people being thus four times arbitrarily changed. The

⁸² “Philisophy of History,” p. 401, Frederick Von Schlegel. Fourth German edition, revised. Trans. by J. B. Robertson, London, 1846.

⁸³ Guizot, sup. cit., Lecture 12, p. 227.

⁸⁴ Ibid., p. 228.

⁸⁵ “German Culture,” third edition, p. 34.

struggles of nature and of reason were powerless against the executioner, the stake and the sword. This principle was, nevertheless, merely the result of Luther's well-known policy, and consequently struck its contemporaries far less forcibly than after generations. Freedom of belief, confined to the immediate subjects of the empire, for instance, to the reigning princes, the free nobility, and the city councillors, was monopolized by at most twenty thousand privileged persons, including the whole of the impoverished nobility, and the oligarchies of the most insignificant of the imperial free towns, and it consequently follows, taking the whole of the inhabitants of the empire at twenty millions, that out of a thousand Germans one only enjoyed the privilege of choosing his own religion. The ecclesiastical princes, to the great prejudice of the Reformation did not participate in this privilege. By the ecclesiastical proviso, they were, it is true, personally permitted to change their religion, but incurred thereby the deprivation of their dignities and possessions."⁸⁶

There is no doubt that this state of "political servitude" was due to the positive teachings of the Reformers. We have already quoted the doctrine of Luther on slavery. In addition to this he made the divine right of kings an article of faith. In themselves, these are enough to condemn him as a foe of democracy. Of the decrees of synods and diets held by the Reformers at which the doctrines of the Reformation were promulgated, that of Homburg, held nineteen years before the peace of Augsburg, will serve as well as any for an illustration of the pernicious legislation that was enacted for the destruction of the civil liberty of the masses. "Whoever transgresses the order of the magistrates—whoever preaches against taxes—whoever teaches the community of goods—whoever holds unlawful assemblies—shall be punished with death."⁸⁷ While these laws were passed primarily against the Anabaptists, they were enforced against all, and they show how the

⁸⁶ Menzel, *sup. cit.*, Vol. II, p. 270.

⁸⁷ Quoted by Spaulding, Vol. I, p. 327. He quotes Catrou and Audin.

rights of the populace to their life and liberty were dependent on their conforming to the will of the Reformers; and in order to prevent the spread of any doctrines opposed to their own the freedom of the press was so completely destroyed that even Erasmus complained in a letter to Henry VIII that "he could find no printer who would dare publish anything against Luther. Were it against the Pope there would be no difficulty."⁸⁸ Such examples of arbitrary and tyrannical government show to what extent religious despotism had supplanted pre-Reformation democracy.

If there is a more unjust claim that the Reformation was the cause of popular government it is that it was favorable to the spread of education. Before the Reformation "in the district of the Middle Rhine, in the year 1500, there were whole stretches of country where a national school was to be found within a circuit of every six miles."⁸⁹ A great number of the schools were conducted by the Brethern of the Social Life, and "youths eager for knowledge flocked from all parts to these schools. The number of scholars at Zwalle rose often to eight hundred or a thousand; at Alkamaar to nine hundred; at Herzogenbusch to twelve hundred and at Deventer, in the year 1500, actually to 2200. The instruction in these schools being free they were open to students of the smallest means."⁹⁰ Primary education was more widespread in Germany before the Reformation than it was for two hundred years after. According to Erasmus every town possessed its academy, and it is acknowledged by impartial historians that it was not until the eighteenth century that the German universities attained anything like their flourishing condition of pre-Reformation days.

Some idea of the deplorable condition of education consequent upon the Reformation may be gained from the following: "From year to year the numbers of both teachers and

⁸⁸ Epist. Erasmi, p. 752, quoted by Audin, p. 337.

⁸⁹ "History of the German People," Vol. I, p. 27, by Johannes Janssen. Trans. from the German edition by A. M. Christie, London, 1896.

⁹⁰ Ibid., pp. 61, 62.

students decreased in Erfurt; hardly any one was to be found who was willing to accept an academical post. Between May 1520 and 1521 as many as 311 students had matriculated; in the following year the number sank to 120, in the year 1522 to 72, and in 1523 and 1523 it fell to 34."⁹¹ "The same melancholy picture was presented by the South German universities, such as Basle, Heidelberg, Frieberg. From Basle comes the following wail in 1524: 'The university is as though dead and buried. Empty are the chairs of the teachers, and empty the benches of the learners.' In the year 1522 only 29 new students were entered, and in 1526 only 5. In Heidelberg in the year 1525 there were more professors than students."⁹² "'I have scarcely six regular attendants at my lectures,' wrote Ulrich Zasius, the most famous of all professors of law, from Friedburg in 1523, 'and these moreover are Frenchmen. I carry on my lectures with great assiduity, though I never know if I shall have any, or what, audience; but the post is well-nigh hateful to me, for the science of law has come to be treated with such contempt!'"⁹³

May we justly attribute this intellectual decay to the Reformation and its leaders? "Luther had denounced the universities as dens of murderers, temples of Molock, synagogues of corruption, in a sermon preached in the year 1521, of which several editions were published; he had actually gone the length of saying that 'the universities were only worthy of being reduced to dust; nothing more hellish or devilish had ever appeared on the earth from the beginning of things, or ever would appear.' Melancthon also, in a pamphlet against Esmer in the year 1521, said 'never had anything more corrupt or godless been invented than the universities; not the Popes but the devil himself was their originator; Wycliffe had been the first to recognize that the universities were schools of satan; could he have said anything wiser or more godly. The Jews offered themselves to Molock, at the universities the young

⁹¹ Ibid., Vol. III, p. 358.

⁹² Hantz's "History of the University of Heidelberg," quoted by Janssen, p. 390.

⁹³ Janssen, sup. cit., Vol. III, pp. 359, 360.

men were offered up to pagan idols. A man who possessed the title of philosopher cannot be called a Christian.' Melancthon soon abated the violence of his sentiments, but Luther to the end of his life, held firm to the opinion that 'reason was the Devil's bride, rationalism a beautiful prostitute.'"⁹⁴ The reason for this attitude of the Reformers was that the universities had not accepted the Reform as readily as the ignorant, nor as zealously as was desired. Luther and his disciples advocated the establishment of new schools and the continuation of the old ones, not for the sake of scholarship in itself, but only inasmuch as they were to be productive of apostles of the new gospel; and the higher institutions of learning failing in this, were attacked with characteristic Lutheran fury.

That this decay in the centers of learning was widespread is also attested by Erasmus, one of the greatest scholars of the age. Writing to a friend in 1528 he states: "I dislike these gospellers on many accounts, but chiefly because through their agency, literature everywhere languishes, disappears, lies drooping and perishes, and yet, without learning, what is a man's life? They love good cheer and a wife; for other things they care not a straw."⁹⁵ And to Melancthon he complaining wrote that "at Strasburg the Protestant party had publicly taught, in 1524, that it was not right to cultivate any science, and that no language should be studied except the Hebrew."⁹⁶ Before the Reformation had reached its eleventh birthday he summarized its results educationally by stating: "Wherever Lutherism reigns, there literature perishes."⁹⁷ If the Reformation was favorable to letters and learning, why did Erasmus desert Luther and the Reform, and why did all the great humanists—Rufus, Rubianus, Rhenanus, Amerbach, Brant and Wimpheling follow his example?

A comprehensive view of the intellectual decay consequent

⁹⁴ *Ibid.*, pp. 355, 356.

⁹⁵ Vol. I, p. 165, "Introduction to the Literature of Europe," Hallam.

⁹⁶ Epist. 714, ad Melancthonem. Spaulding, *sup. cit.*, p. 400, Vol. I.

⁹⁷ Epist. 1162, 1528. "Philosophy of Literature," p. 127, by Brother Azarias. Sixth edition. New York, P. O'Shea, 1890.

upon the Reformation is given in Chapter 6, Vol. 2 of Jansen's work already quoted, to which the reader is referred so that he may judge for himself whether or no the Reformation favored the education of the masses in the cause of democracy.

ENGLAND

Did the Anglican Reformation establish more firmly the rights to life, liberty and property? It cannot be denied that in England for over a century after the beginning of the Reformation, religious liberty—"the right to worship God according to the dictates of one's conscience without thereby incurring any civil penalties or disabilities"—was unknown. Civil liberty depended upon religious convictions. The hundreds of lives forfeited for failure to acknowledge the absolute spiritual and temporal supremacy of the crown during the reigns of Henry, Edward, Mary and Elizabeth, and the confiscation of the material possessions of those who would not assert the papacy of the sovereign, witness the denial of the right to life, liberty and property.

With what sacredness the right of property was held may be judged by an extract from *Before the Great Pillage*, by Dr. Augustus Jessop, an Honorary Fellow of Oxford and Cambridge Universities and a minister of the Church of England. For over a quarter of a century Dr. Jessop made a minute examination of the original records, still existing of English parish life in pre-Reformation times, and by patient and laborious work in this field of research qualified himself as an authority. He writes:

"When I talk about the *Great Pillage*, I mean that horrible and outrageous looting of our churches other than conventual and the robbing of the people of this country of property in land and moveables, which property had actually been inherited by them as members of those organized religious communities known as parishes. It is necessary to emphasize the fact that in the general scramble of *The Terror* under Henry the Eighth and of the *Anarchy* in the days of Edward the

Sixth, there was only one class that was permitted to retain any large portion of its endowments. The monasteries were plundered to their very pots and pans. Almshouses in which old men and women were fed and clothed were robbed to the last pound, the poor alms-folk being turned out into the cold at an hour's warning to beg their bread. Hospitals for the sick and needy, whose very *raison d'être* was that they were to look after and care for those who were past caring for themselves, these were stripped of all their belongings, the inmates sent out to hobble into some convenient dry ditch to lie down and die in, or to crawl into some barn or hovel, there to be tended, not without fear of consequence, by some kindly man or woman who could not bear to see a suffering fellow creature drop down and die at their own door-posts."

"We talk with a great deal of indignation of the Tammany ring. The day will come when some one will write the story of two other *rings*—the ring of miscreants who robbed the monasteries in the reign of Henry the Eighth was the first; but the ring of robbers who robbed the poor and helpless in the reign of Edward the Sixth was ten times worse than the first."

"The Universities only just escaped the general confiscation; the friendly societies and benefit clubs and guilds did not escape. The accumulated wealth of centuries, their houses and lands, their money, their vessels of silver and their vessels of gold their ancient cups and goblets and salvers, even to their very chairs and tables, were set down in inventories and catalogues, and all swept into the robbers' hoard. Last, not least, the immense treasures in the churches, the joy and boast of every man and woman and child in England, who day by day and week by week assembled to worship in the old houses of God, which they and their fathers had built, and whose every vestment and chalice, and candlestick and banner, organs and bells, the picture and image, and altar and shrine they looked upon as their own and part of their birthright—all these were torn away by the rudest spoilers, carted off, they knew not wither, with jeers and scoffs and ribald shoutings, while

none dared to raise a hand or let his voice be heard above the whisper of a prayer of bitter grief and agony."

"One class was spared. The clergy of this Church of England of ours, managed to retain some of their endowments; but if the boy king had lived another three years, there is a good reason for believing that these too would have gone."⁹⁸

It was not the clergy and monks who suffered most from this "pillage" but the people, for "all this immense accumulation of treasure and wealth was strictly the property of the parish, and was held, as I have said, in trust for the community by the churchwardens elected in the assembly of the church council or parish meeting."⁹⁹ "It must be understood that all this enormous amount of property (which if it were in existence now and were brought to the hammer would represent a gross value of several millions of pounds sterling) belonged to the *parishes*. It no more belonged to the clergy, the parsons, the parish priests, than it belonged to the lords of the manors. Hundreds of the vestments and ornaments are expressly set down in these inventories as having been presented by the officiating clergy themselves; presented, i.e., to the parishioners, and passing over to the parishioners as parish property."¹⁰⁰

In those days the parish was a political division, and "all the tendency of the parochial system, working through the parish council, holding its assemblies in the churches, where the people met on equal terms as children and servants of the living God and members of one body in Christ Jesus, was to *lift the people up*. In these assemblies there was no distinction between lord and vassal, high and low, rich and poor; in them the people learnt the worth of being free,"¹⁰¹ and the "churches were the great strongholds of the sentiment of liberty and

⁹⁸ "Before the Great Pillage," pp. 38, 39, by Augustus Jessop, D.D., London, T. Fisher Unwin, 1901. The only place the author was able to obtain a copy of this work was in the Library of Congress.

⁹⁹ *Ibid.*, p. 14.

¹⁰⁰ *Ibid.*, p. 15.

¹⁰¹ *Ibid.*, pp. 21, 22.

the great reminders of the people of their rights as freemen."¹⁰² In this reign of terror the Englishman lost not only his property but the very centers of inspiration of his liberty loving spirit, which spirit had distinguished him among European peoples in a pre-eminent degree.

Bishop Short, another Anglican Divine, writing of the results of the Reformation states that "the immediate effect was not at all that of promoting the welfare of the land. It was not the quiet transfer of wealth, accompanied by activity and prudence; but the forced dissolution of the right of property, and attended with waste and destruction. The tenants of the monastery were, in many cases, deprived of their leases, and the rents forced up to an unprecedented height. Those persons who possessed reserved rents on the lands of religious houses found so much difficulty in obtaining their rights, when the property fell into the hands of the king, or a powerful subject, that they were even obliged to relinquish the claim; where, as was frequently the case, the family of the founder had retained legally or by tacit consent, the right of presentation of the preferments, the new owner of the soil deprived them of their privilege. Attempts were indeed made to obviate these evils; but who shall be bold enough to presume to set limits to violence, when the first principles of justice are destroyed? Or who shall check the rapacity of plunder, when the rights of property are systematically disregarded?"¹⁰³

Ralph Adams Cram gives us a very definite idea of the monetary and social value of the "pillage." "We may say then that the destruction of the English monasteries resulted in unnumbered murders; a reduction to beggary of one hundred thousand men, women and children; a total destruction of about \$200,000,000 worth of property; an alienation of those who had no claim to it whatever of estates, the rentable value of which was about \$11,000,000 per year; the temporary extinction of education, mercy, and public charity; the aboli-

¹⁰² *Ibid.*, p. 26.

¹⁰³ "Sketch of the History of the Church of England," sec. 255, p. 121, by the Lord Bishop of Saint Asaph, Thomas Vowler Short, 8th Ed., London, 1870.

tion in great sections of territory and for several millions of people of the services and administrations of religion; the eternal loss of works of arts of immeasurable value; and as the event proved, 'the creation of a large class of poor to whose poverty was attached the stigma of crime; the poor sinking to lower depths; destruction of custom as a check upon the exactions of landlords; the loss to the poor of those foundations at schools and universities intended for their children, and the passing away of ecclesiastical titles into the hands of lay owners.' "104

It must be remembered, too, that this denial of the right to life and property was sanctioned by laws passed in Parliament since the beginning of the Reformation at the command of the king, who now ruled as an absolute temporal and spiritual sovereign by divine right, and against whom it was unlawful to rebel for any reason whatsoever. That such legislation was enacted shows to what extent the leaders of the people had betrayed their trust, motivated by no other consideration than personal interest. In England, in Catholic times, the people relied on their representatives in Parliament to check any royal encroachments on their natural rights, but when death and poverty, by law established, became the reward of those who opposed the divine right of kings, "they (the leaders) yielded to every mandate of his (Henry's) imperial will; they bent with every breath of his capricious humor; they are responsible for the illegal trial, for the iniquitous attainer, for the sanguinary statute, for the tyranny sanctioned by law, and for that which they permitted to subsist without law. Nor was this selfish and pusillanimous subserviency more characteristic of the minion's of Henry's favor, the Cromwells, the Riches, the Pagets, and Russells, and Powletts, than of the representatives of ancient and honorable houses, the Howards, the Fitz-Alans and the Talbots. We trace the noble statesmen of these reigns concurring in all the inconsistencies of their revolutions, supporting all the religions of Henry, Edward, Mary and Elizabeth; adjudging the death of Somerset to gratify Northumber-

104 Sup. cit., Intro., p. 22.

land, and of Northumberland to redeem their participation in his fault, setting up the usurpation of Lady Jane and abandoning her on the first doubt of success, constant only in the rapacious acquisition of estates and honors, from whatever source, and in the adherence to the present power."¹⁰⁵ And in their subserviency they enacted in 1535 the Act of Supremacy;¹⁰⁶ in June, 1536, a bill giving Henry the right to name his successor to the crown by letters patent without the consent of the Parliament or the people; and in 1539 they decreed that "the king's proclamation should be of the same force as acts of Parliament;" enactments, the right of which was absolutely denied by Catholic doctrine, but sanctioned by the Protestant dogmas of the divine right of kings and the union of church and State.

The reader will get a true perspective of what the Reformation did for representative government and the protection of the natural rights of the English people by mentally comparing the social and political conditions of fourteenth and fifteenth century Catholic England, as has already been portrayed by Fortescue, with the social and political conditions under Henry Edward and Elizabeth, as herein described by Hallam, Cram, Jessop and Short.

But if the spirit of freedom had departed from the leaders and Parliament, had the people themselves lost that love of liberty so characteristic of Englishmen in the ages past, which had caused them to rebel against the tyranny of rulers whenever their rights, taught by religion as inviolable and sanctioned by custom, were invaded? "In that age they were so thoroughly subdued, that, like Eastern slaves, they were inclined to admire even those acts of violence and tyranny, which were exercised over themselves, at their own expense."¹⁰⁷ Hallam, Gairdner and Lingard support Hume in his contention that the masses were politically enslaved.

What was the cause of this enslavement? The cause was partly physical and partly psychological. The physical cause

¹⁰⁵ "Constitutional History of England," p. 38. Hallam.

¹⁰⁶ 26 Hen. VIII, C. 1.

¹⁰⁷ Hume. Quoted by Corbett, *sup. cit.*, Letter 4, p. 5.

was the union of Church and State—a consummation of the doctrine of the reformers. This “principle that the civil government, or State, or Church and State united, of a country is entitled to regulate its religious belief, has more of intellectual thralldom in it than the power of the Popish Church ever exercised in the darkest ages; for it had no civil power joined to its religious power. It only worked through the civil power of each country. The Church of Rome was an independent, distinct, and often an opposing power in every country to the civil power; a circumstance in the social economy of the Middle Ages, to which, perhaps, Europe is indebted for her civilization and freedom—for not being in the state of barbarism and slavery of the East, and of every country, ancient and modern, in which the civil and religious power have been united in one government. Civil liberty is closely connected with religious liberty—with the Church being independent of the State.”¹⁰⁸ Mr. Lang, who is a Scotch Presbyterian, subsequently shows by incontrovertible facts that the peoples of Europe who possess the greatest liberty in political and spiritual concerns are citizens of Catholic countries, where the Church and State are not united in one government, as they are in countries where the Reformation and its principles have prevailed.

The psychological causes of the enslavement were the doctrines of Protestantism, taught both in schools and from the pulpits, that the king was supreme in things spiritual as well as things temporal; that the sovereign could regulate the religious belief of his people; that all rebellion against rulers was treason against God and king; that the authority of the king was by divine right; and that kings were responsible to God alone for their actions. It was with such mental pabulum as this that the minds of the people were corrupted, and they became submissive to the arbitrary and tyrannical acts of their rulers. The democratic doctrines of Catholicism, that king-

¹⁰⁸ “Notes of a Traveler on the Social and Political State of France, Prussia, Switzerland, Italy and other parts of Europe, During the Present Century,” p. 194, by Samuel Lang, Philadelphia; Cary & Hart, 1846.

ship was a human invention, that kings were the servants of their people and could make no laws or levy taxes without their consent; that rulers could not regulate the belief of their subjects; that rebellion was justifiable under certain conditions, and that kings were responsible for their actions concerning the public welfare to the multitude from whom they derived their authority, these doctrines of Catholicism were superseded by the doctrines of Protestantism, which caused to be established, and justified, absolute government. In pre-Reformation days abuses and scandals originated in the *practice*, not in the *theory*, of secular princes and unworthy ministers of the sanctuary; whereas, during the Reformation, and following it, the abuses and scandals were the result of the *theory*, as well as the *practice*, of the reformers.

In 1536, by order of the king who was now the interpreter of the spiritual laws, ministers of the gospels were taught "that the Bishop of Rome's usurped power had no ground in the laws of God, and therefore was on good reasons abolished in this kingdom, and that the king's power was by the laws of God supreme over all persons in his dominions."¹⁰⁹ Englishmen rejected the legitimate spiritual supremacy of the Pope only to be inflicted with the temporal and illegitimate spiritual supremacy of their king. In "*The Institution of a Christian Man*," written by a commission of Bishops and published in 1540, it is ordained relative to the fifth commandment, that "subjects be bound not to withdraw their fealty, truth, love and obedience towards their prince for any cause whatsoever it be,"¹¹⁰ and in the "*Exhortation to Obedience*" of 1547, and in the "*Homily Against Disobedience and Willful Rebellion*" it is written: "What a perilous thing were it to commit unto the subjects the judgement which prince is wise and godly and his

¹⁰⁹ Burnet, "History of the Reformation," bk. 3 (ed. 1816, i. 409f). Quoted by Prof. Alfred Rahilly in "The Sources of English and American Democracy," appearing in *Studies*, pp. 189-209, June, 1919. This article, though short—one of a series—is a masterpiece of historical research, and because of its value has been incorporated almost in its entirety in this treatise.

¹¹⁰ Rahilly, *sup. cit.*, p. 190. Note No. 1.

government good and which is otherwise! . . . A rebel is worse than the worst prince, and rebellion worse than the worst government of the worst prince that hitherto hath been."¹¹¹ Among the questions asked the clergy by Archbishop Cranmer in his diocesan visitations was "whether they have preached and declared at the least four times a year that the king's majesty is the highest power under God?"¹¹² And the Archbishops of Canterbury and York in 1622 directed that "No preacher shall presume in any auditory within this kingdom to declare, limit or bound out, by way of positive doctrine in any lecture or sermon, the power, prerogative, jurisdiction, authority or duty of sovereign princes," except as ordained in the "Homily on Obedience."¹¹³ Again, in the "Constitutions and Canons for the Church of England" ministers must preach at least four times a year "the most sacred order of kings is of divine right," consequently "under any pretense whatsoever, any independent coactive power, either Papal or popular, whether directly or indirectly . . . is treasonable against God as well as against the king."¹¹⁴ To the Reformation are we are indebted for such dogmas, but to them the development of democracy owes nothing.

These doctrines, so destructive of the political freedom of the English people, and so opposed to the democratic principles of the preceding centuries, were taught not only from the pulpit, but also at the two great intellectual centers of the Reformation, Oxford and Cambridge. "Alberico Gentili, professor of civil law at Oxford, who is concurrently given the place with Suarez in founding international law, was a strong supporter of regal depotism in his *Regales Disputations Tres*, 1605."¹¹⁵ In 1622 Oxford Convocation "decided that everyone before taking his degree should take an oath to

¹¹¹ Ibid. He quotes "Sermons or Homilies Appointed to be Read in Churches in the Time of Elizabeth," London, 1839, pp. 609f.

¹¹² Ibid. He quotes "The History of Passive Obedience Since the Reformation," by Seller. Amsterdam, 1689, pp. 5f.

¹¹³ Ibid., p. 191. He quotes Prothero 'Statutes,' p. 423; Rushworth, 1., 64f.

¹¹⁴ Ibid. He quotes Laud "Works" (Oxford, 1853), v. 613f.

¹¹⁵ Ibid., Note No. 14.

uphold the doctrine of divine right and passive obedience"; and in 1683 Oxford issued a decree "against certain pernicious books and damnable doctrines destructive to the sacred persons of princes." Among these books were those of the Jesuits, Parsons and Bellarmine, containing such "damnable" democratic doctrines as "all civil authority is derived originally from the people" and "there is a mutual compact, tacit or express, between a prince and his subjects."¹¹⁶ It will be subsequently shown that both Parsons and Bellarmine were the two great sources of inspiration of democratic doctrines of English and Scotch non-conformists.

In 1681 Cambridge addressed Charles II: "We still believe and maintain that our kings derive not their title from the people but from God; that to Him only they are accountable, that it belongs not to the subject either to create or censure, but to honor and obey their sovereign, who comes to be so by a fundamental hereditary right of succession which no religion nor law, no fault, nor forfeiture can altar or diminish."¹¹⁷ Seven years later, the English people emerging from the thralldom of political tyranny demanded a return of their ancient Catholic rights and liberties. The Protestant doctrine of the divine right of their king and his hereditary right of succession they repudiated, and re-established in its stead the constitutional monarchy under which their forefathers had prospered in the Middle Ages. Henceforth their king ruled not by hereditary and divine right, but by the will and consent of the people in Parliament assembled.

SCOTLAND

"The Reformation in Scotland presents a marked contrast with that in England. While the latter worked from high to low, the former worked from low to high. The English Reformation, as we have seen, was an affair of State policy and of State coercion, from its first inception under Henry VIII to its firm establishment under Elizabeth; the State was through-

¹¹⁶ Ibid., p. 192. He quotes Somers "Tracts," viii, 420-424.

¹¹⁷ Ibid. He quotes Seller, *op. cit.*, p. 108.

out its mainstay, its very life and soul; and hence very appropriately the head of the State was likewise the head of the new church. In Scotland the Reformation worked its way up from the people, through the aid of the nobles, through political combinations and civil commotions, to the foot of the throne itself, and after having gained the supreme civil power, and deposed first the queen regent and then the queen herself, it dictated its own terms to the new regents and the new sovereign; and thus, by the strong arm, it firmly established itself on the ruins of the old religion, of the country."¹¹⁸ In England, "it was not zeal for religion, but rather lust and tyranny, that first gave occasion to the movement."¹¹⁹ It was a revolution engineered by a sovereign whose object was personal enrichment and gratification of beastly lust, and accomplished under the insincere protestation of reform. In Scotland the Reformation originated with the people, was adopted by a mercenary nobility who saw in the spoilation of the churches a chance to increase their fortunes, and through political intrigue and civil disturbance to gain supreme civil and religious control of the rulers.

What caused the Scotch Reformation to originate with the people? It is generally admitted that in Scotland, in the early sixteenth century, abuses were more prevalent than in most of the European countries. Church dignitaries had secured their appointments from the secular power, and this intrusion of royal favorites into vacant bishoprics and benefices was done in spite of the provisions of canon law, and in spite of the opposition of the sovereign Pontiffs. To such an extent had secular jurisdiction impaired canonical freedom of election that King James V "provided for his illegitimate children by making them abbots and priors of Holyrood House, Kelso, Melrose, Coldingham, and St. Andrew's. They received the incomes of the benefices, committing the duties of their charges to others, and though they seldom took orders, they ranked as clergymen, and by their vices brought disgrace upon the clerical

¹¹⁸ Spaulding, *sup. cit.*, Vol. II, p. 224.

¹¹⁹ Gairdner, *op. cit.*, p. 1.

body."¹²⁰ The scandalous lives of the higher Scotch clergy was a powerful instrument in the hands of the religious demagogues in appealing to the people to rebel. It was not by a calm judicial examination of Catholic dogmas that the fury of the people was aroused against existing conditions, but rather by an emotional appeal to their passions to destroy, rather than reform, existing institutions.

John Knox, a renegade priest, was the brains and brawn of the Scotch Reformation. Some have seen in him an advocate of Democracy, although he was a staunch supporter of Calvin and his aristocratic form of civil and religious government. He advocated, it is true, certain democratic principles, but he was indebted to Catholicism, not to Protestantism, for these very principles. Knox was a pupil of John Mair. Mair had been educated at the University of Paris, the center of scholastic thought, and was an ardent admirer and expounder of the doctrines of Cardinal Pierre d'Ailly. Knox was indebted to Mair for whatever democratic theories he idealized, but never practiced. He was a prototype of many of our modern spellbinders and advocates of democracy, who, in their public harangues, pose as the champions of the principles of democratic government and of the rights of the people, but immediately upon attaining civil power and influence become the strongest supporters of special privilege and political tyranny ever exercised by a minority at the expense of the freedom of the majority.

The immediate effects of the Reformation in Scotland, according to the Protestant historians, McCrie, Mackintosh, Strickland and even Knox himself, were civil war, the destruction and confiscation of private property, and the denial of liberty of conscience—in a word, the fundamentals of democracy were destroyed. To these may be added the destruction of education and the century of strife with England, caused by the conflict between the English doctrine of the supremacy of the king or State in ecclesiastical matters and the Scotch Presbyterian doctrine of the subordination of the

¹²⁰ Spaulding, *sup. cit.*, Vol. II, p. 225.

State to the Kirk. The Divine right of Presbytery in Scotland opposed the divine rights of kings in England and although Presbyterianism survived it did not succeed in establishing the supremacy of the Kirk. It was, however, a temporary defeat. The tenet that Caesar had no spiritual jurisdiction—a strictly Catholic dogma—was almost universally adhered to by all the dissenters, and in the subsequent political, economic and religious struggle between king, Parliament and people it was victorious and was incorporated in the Bill of Rights.

Does democracy owe anything to the Reformation? Nothing save its practical annihilation. In our rapid summary glance of its effects in the countries of England, Scotland, Germany, and Switzerland, we have seen it destroy the right to life, property and liberty: freedom of conscience, freedom of speech and freedom of the press. It was the cause of the decay of education and destruction of public charity. It added nothing new to the sum of existing democratic thought, but, on the contrary, popularized dogmas productive of absolute and arbitrary government in teaching the union of Church and State and the divine right of kings—two of the most pernicious doctrines ever conceived in the mind of men to destroy the political freedom of a people. Its dogma of private interpretation has been the actuating principle and justification of every religious fanatic and political anarchist who saw in himself an inspired prophet of God or the savior of a people from political bondage. Its teaching of passive obedience and denial of the right of legitimate rebellion against political tyranny, while illogical in view of its dogma of private interpretation, was the direct cause of the civil and industrial oppression and exploitation of the masses. History records no greater political servility than that fostered and established by the so-called Protestant Reformation.

Is democracy the child of the Reformation? Yes, but a step-child; for it was not until the descendants of the reformers divorced themselves from the doctrines of their founders and wedded themselves to ancient Catholic political principles that they were able to give birth to modern democracy as we know it.

PART V.

PAST-REFORMATION PERIOD

From the beginning of the so-called Reformation to the granting of the Bill of Rights, government in England, as far as the governed were concerned, was a complete moral failure—the common welfare for which it had been instituted had not been attained. From what has already been written it is evident that this was the fruit of the political doctrines of the Reformation, and there was no hope for an amelioration of the political condition of the English people while they adhered to tenets necessarily productive of absolute and arbitrary government. A revolution in thought was a pre-requisite for one of action.

This moral failure of government in England was the primary cause of the dissemination of political principles which gradually obtained universal acceptance and finally effected the complete overthrow of the Protestant theory of government. As soon as the ship of state had been wrecked by the practical politicians, the passengers in their efforts at salvage had recourse to the theoretical politicians—the political philosophers. Naturally in the stress of such times leaders arose who propounded principles of state polity which appealed to the yearnings of the multitude, and upon which they endeavored to rebuild the superstructure of government. The Dissenters, by adopting the democratic principles of government taught by contemporary Jesuit and pre-Reformation Scholastic philosophers and theologians, paved the way for the political events of 1688. The political freedom obtained in the Revolution of 1688 by Englishmen was the fruit of the doctrines of Catholicism, as the political slavery they experienced under Henry, Edward and Elizabeth was the fruit of the doctrines of Protestantism.

The complete development of Catholic jurisprudence from

scholastic thought was occasioned by the controversy which arose in the sixteenth century between State and royal power and Church or Papal power. Both Dominicans and Jesuits taught in the sixteenth and seventeenth centuries that civil power was according to natural law immediately received by the people from God and thence bestowed by them upon their selected magistrates with such reservations and limitations as they thought fit to impose for the commonweal. These principles became the commonplace propositions of an extensive and popular non-conformist political literature. In the following pages it is essayed to show the Catholic ancestry of this literature.

In 1594 was published "what is practically the first defense of the rights of the people written in the English language," the *Conference about the next succession to the Crown of England* by Father Robert Parsons, S.J., and its effect on subsequent democratic thought development in England for over two hundred years cannot be overestimated. A few quotations from Parsons will suffice to show how diametrically opposed his doctrines were to the political principles of the reformers. "There can be no doubt that the commonwealth has power to choose their own fashion of government, as also to change the same upon reasonable causes. . . . In like manner it is evident that as the commonwealth hath this authority to choose and change her government, so hath she also to limit the same with what laws and conditions she pleaseth" (p. 12). "The power and authority which the prince hath from the commonwealth is in very truth . . . a power delegate or power by commission from the commonwealth, which is given with such restrictions, cautels and conditions . . . as if the same be not kept, but wilfully broken on either part, then is the other not bound to observe his promise neither, though never so solemnly made or sworn" (p. 73). "Albeit sociability or inclination to live together in company, man with man, be of nature and consequently also of God that is author of nature," nevertheless political determinations "are not by laws natural or Divine, . . . but they are ordained by particular

positive laws of every country" (p. 3). On page 35 he decried "the abject and wicked flattery of such as affirm princes to be subject to no law or limitation at all . . . as though the commonwealth had been made for them and not they for the commonwealth."¹²¹ In these passages from Parsons are concisely, clearly and fully contained the following fundamentals of democratic government: The people are sovereign and may delegate what powers they wish to their magistrates; the object of government is the common welfare; the relation between governing and governed is a contractual one; the right of rebellion for legitimate cause; the right of self-determination, and the association of men in any governmental form is founded on Divine and natural laws—a consequence of their human nature which is the foundation stone of their political equality.

How few modern students of history know that Hobbes and Milton were indebted to a Jesuit for whatever orthodox political theories they held. "Having mentioned Hobbes, how I am ashamed to find that his authority and the reason which he derived from Milton and both from Doleman,¹²² i. e., Parsons the Jesuit; are of a sudden so generally received as if the doctrine were apostical and ought to be preached to all the world; that power is originally in the body of the people, that the foundation of all government is laid in compact, and that breach of conditions by one party dispenses with the duty of the other." Thus writes Seller.¹²³ Farrer states: "The book (Parsons) itself has played no small part in our history. for not only was Milton's *Defensio* (justifying the Puritan Revolution) mainly taken from it, but it formed the chief part of Bradshaws' long speech at the condemnation of Charles I."¹²⁴ Why Milton "scorned citations and references" in his *Defensio* is easily understood, for Seldon informs us in his *Table Talk* that "these Puritan preachers, if they have any-

¹²¹ Rahilly, sup. cit., pp. 198, 199.

¹²² Parsons' nom de plume.

¹²³ Rahilly, sup. cit., p. 200. He quotes Seller, op. cit., preface.

¹²⁴ Ibid. He quotes "Books Condemned to Be Burnt," p. 38, J. A. Farrer, 1892.

thing good, they have it out of Popish books, though they will not acknowledge it for fear of displeasing the people;"¹²⁵ the last part of which sounds very reasonable. Evidently Milton had this fear; if he had not, why did he not acknowledge his sources? Selden informs us that "without School Divinity a divine knows nothing logically nor will he be able to satisfy a rational man out of the pulpit."¹²⁶

May the testimony of Selden be accepted? Milton considered him "the chief of learned men reputed in the land,"¹²⁷ and Professor Scherger says he was "one of the most learned and celebrated jurists and antiquarians of his time, called by Grotius the "glory of England."¹²⁸ It is generally admitted that Selden is a competent authority on the subject matter under discussion.

Dr. Gairdner in his *Studies of English History*, discussing Father Parson's book, states: "Roman Catholic writers generally agreed that all power was from the people, and even contended that as they had given it originally to their princes, they might resume it again into their own hands. But a man who should breathe such a sentiment in England was evidently a public enemy. The religion and the nationality of Englishmen gathered around the king as head both of the Church and of the State, and the only guarantee for the stability of the most cherished institutions was conceived to consist in upholding the prerogatives of the crown."¹²⁹ Perhaps the same author, had Milton, as well as others, in mind when he wrote that "some of the principles set forth by the Puritans differed not a whit from the most objectionable doctrines of the Jesuits."¹³⁰ It is passing strange that the Jesuits in the sixteenth,

¹²⁵ Ibid., p. 205. He quotes Selden's "Table Talk," s. v. v., Minister, p. 168, Routledges's New Universal Library.

¹²⁶ Ibid. He quotes Selden, op. cit., Books, p. 100.

¹²⁷ "Areopagitica," p. 89, Vol. 3, "World's Famous Orations," Funk & Wagnalls Co., 1906.

¹²⁸ "The Evolution of Modern Liberty," p. 45, by G. L. Scherger, Ph.D., Professor of History, Armour Institute of Technology, Longmans, Green & Co., 1904.

¹²⁹ P. 264. Edinburgh, 1881.

¹³⁰ Ibid., p. 256.

seventeenth and eighteenth centuries were condemned for being the supporters of democracy, and in the twentieth century, although their doctrines are the same, they are considered by antagonists to be the strongest opponents of democracy!

It is impossible, however, to agree with Dr. Gairdner that the divine right of kings was unknown before James I,¹³¹ unless he means that it was only in the reign of James that it became to be generally accepted by the people. It was surely taught, whether or not the people accepted it, in the reign of Henry, Edward and Elizabeth as had already been noted; and Elizabeth was but repeating what had already been maintained by Henry and Edward, when in 1585 she declared that "kings and princes sovereign owing their homage and service only unto Almighty God, the King of all Kings, are in that respect not bound to yield account or render the reason of their actions to any other but to God, their only sovereign Lord."¹³² Now if kings and princes have duties only to God, as Elizabeth here claims, then their rights being correlative with their duties, they were from God alone, and hence Divine. Perhaps Elizabeth did not use the term "divine right," but nevertheless she claimed it in equivalent words.

That Parsons' treatise exerted a great influence is also proved by two other facts: First, the Convocation of 1603-1610 was called by King James to counteract "the principles laid down in the famous book of Parsons the Jesuit,"¹³³ "from whence most of our modern enemies of the true rights of princes have borrowed both their arguments and authorities";¹³⁴ and second, in 1683 it was publicly burned by the University of Oxford after it had gone through four editions.

¹³¹ Ibid., p. 246.

¹³² Rahilly, sup. cit., p. 193. He quotes: "A Declaration of the Causes Moving the Queen of England to Give Aid to the Defense of the People Afflicted and Oppressed in the Low Countries," Somers' *Tracts*, i., 410, 412.

¹³³ Ibid., p. 199. He quotes Burnet's "History of His Own Time," i., 212, ed. 1734.

¹³⁴ Ibid. He quotes "A Continuation of the History of Passive Obedience Since the Reformation," p. 65, Abednego Seller, Amst., 1690.

In the same year (1594) that Parsons' *Conference* was published, there appeared the first four books of Richard Hooker's *Ecclesiastical Polity*.¹³⁵ Judging from the number of quotations and references, Hooker's favorite authority was St. Augustine. Next was Aristotle, from whose *Politics*, *Ethics*, *Rhetoric* and *Treatise on the Soul* he quotes continually. For his theories of natural rights, natural law, and the origin and object of government he is evidently indebted to the Schoolmen: Aquinas, Peter Lombard, Alexander of Hales, Scotus, Bonaventure, Durandus, Nicholas de Cusa, Soto, Cajetan, Occam, Peter d'Ailly and Bellarmine being most frequently cited, among others, in support of his theses. When it is considered that much of the value of Hooker's argument depends on his appeal to authority, it is evident how great was the influence of Scholasticism on the *Ecclesiastical Polity*. Professor Ritchie says: "Hooker is the medium through whom the ethical and political philosophy of Thomas Aquinas finds its way into English popular thought;"¹³⁶ and Professor Scherger maintains: "Hooker's *Ecclesiastical Polity* is one of the few really great books in the world's literature. It contains either explicitly or in germ all the leading ideas of the eighteenth century."¹³⁷ If such is the case, it must be admitted then that whatever its influence, that influence is of Catholicism and the Scholastics, not of Protestantism and the reformers of the sixteenth century. While Scherger admits the value and influence of Hooker, yet on page 41 he states: "He (Hooker) does not quote the fathers or the schoolmen" (!) when, as a matter of fact, Hooker cites and quotes the schoolmen noted above, and acknowledges his indebtedness to them. Was Scherger ignorant of this fact, or did he purposely suppress it? On page 32 he writes: "Aquinas maintains that no government can command what is contrary to natural law

¹³⁵ Editor's Preface, p. 15, Footnote No. 2, "Hooker's Works" in three volumes, arranged by John Keble, M.A., 7th edition, revised by Church and Paget, Oxford Clarendon Press, 1918.

¹³⁶ P. 39, "Natural Rights," by D. G. Ritchie, M. A., Professor of Logic and Metaphysics in the University of St. Andrews. New York, Macmillan & Co., 1895.

¹³⁷ Scherger, sup. cit., p. 41.

without becoming tyrannical. This amounts to an acknowledgment of the limitation of sovereignty. He regards it as the duty of the ruler to secure the common welfare;" then he illogically adds: "But there is little in his system of political philosophy that savors of individual freedom." If a system of political philosophy that limits sovereignty, insists on the duty of the ruler to secure the common welfare, teaches the multitude may determine the form of government under which they are to live and limit it as they choose and may even rebel for reasonable cause, that civil magistrates derive their power from the community, if such a system, which is that of Aquinas, does not "savor" of individual freedom, what does? It is apparent that inadequate philosophical perception, probably due to lack of investigation and research, caused Scherger to state that there was little in Aquinas' "political philosophy that savors of individual freedom."

In 1605 there appeared the pamphlet, *An Exact Discovery of Romish Doctrine in the case of Conspiracy and Rebellion*, in which, among others, Parsons and Bellarmine are cited, imputing authorship to the former of the pernicious doctrine that "the commonwealth hath authority to choose a king and limit him by laws at their pleasure."¹³⁸ In 1606 Matthew Sutcliffe in his *Abridgement or Survey of Popery*, also quotes Parsons and Bellarmine;¹³⁹ and in 1608 James I commenced his famous controversy with Bellarmine because of Bellarmine's advocacy of democracy. That the writings of Parsons and Bellarmine created a sensation in England there is no doubt; and, moreover, as Rahilly judiciously remarks: "There was little doubt in England in those days that democracy was a Popish offspring, certainly not "the child of the Reformation." "¹⁴⁰

In *Herod and Pilate reconciled, or the Concord of Papist and Puritan* (Cambridge, 1670) David Owen indicts Puritanism for its theft of Catholic democracy. On page 54 he says

¹³⁸ Rahilly, sup. cit., p. 201.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

that their "position, which authorizeth nobles and assemblies of state against wicked kings, is the very assertion of the most seditious Jesuits that have lived in our age."¹⁴¹ In 1639 Charles I in *A Large Declaration Concerning the Late Tumults in Scotland*, accused the Scotch Presbyterians of propagating, in their seditious pamphlets, the same maxims as the Jesuits; their very phrase, style and arguments being taken almost verbatim out of Bellarmine.¹⁴² The Scotch Archbishop of Tuam, John Maxwell, also affirms that the tenets of the Scotch Presbyterians "were never taught nor believed by sound Protestants of reformed churches," nor did they come "into the world with Luther and Calvin, but were long before there was any word of a reformer."¹⁴³ Democracy was conceived and brought forth then prior to the Reformation!

Bishop Guthrie confesses¹⁴⁴ that in the Edinburg General Assembly, held in 1645, the book in everyone's hand was the *Lex Rex, or the Law and the Prince* of Rutherford. "It is in the works of Rutherford that we find the fullest exposition of the political thought of the Northern Presbyterians. Regarded at first as the spokesman of the left wing, with the march of events he came to be looked on as the representative of the entire party. The Bishop of Dunkeld tells us that 'every one had in his hand Rutherford's new book, *Lex Rex*, stuffed with questions that in the time of peace would have been judged damnable treason, but were now so idolized that whereas in the beginning Buchanan was looked on as an oracle, he was now slighted as not antimonarchial enough."¹⁴⁵ How it must shock modern Presbyterians to learn that their forefathers, unable to find actuating principles in Knox, Calvin or Buchanan, had to appropriate those of Catholic theologians, for Rutherford "is crammed with the Schoolmen's thesis, often with their very phrases, and often, too, to the author's

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid., p. 202. He quotes Maxwell's "Sacro-Sancto Regum Majestas," published in 1644.

¹⁴⁴ Guthrie's "Memoirs," 139.

¹⁴⁵ P. 115, "The History of Democratic Ideas in the Seventeenth Century," by G. P. Gooch, M.A., Trinity College. Cambridge, 1898.

credit be it said, with explicit references," as the following example illustrates: "Covarruvais, Soto and Suarez have rightly said that power of government is immediately from God, and this or that definite power is immediately from God; proceeding from God by the mediation of the consent of the community"¹⁴⁶ (q. 2, 3b, ed. 1843).

Prynne's *Sovereign Power of Parliament* (1643) was to English Puritans what the *Lex Rex* of Rutherford was to Scottish Presbyterians. Prynne, like Rutherford, found his arguments justifying Parliament's supremacy not in the works of Knox, Calvin or Luther, but in those of Catholic canonists and Schoolmen, such as Aquinas, Soto, Lessius, Gratian, Bannez, Vasquius, Covarruvias, Sylvester, Bartolus, Baldus, and Navarre.¹⁴⁷ He rightly maintained that "Parliaments, prelates, peers, and commons in times of Popery had both claimed and exercised far greater authority over our kings and their prerogatives than this or any other Protestant Parliament hath done."¹⁴⁸ His works aroused the ire of the conformists, because "the question of Mr. Prynne doth dispute through all his books is plain and palpable Popery, whether it be lawful for subjects to make war against their king. The papist teach they may. The Church of England doth and ever did teach they may not. Here Mr. Prynne doth side with the Papists and doth make use of their authority and arguments."¹⁴⁹ Why was it that the Schoolmen and the Jesuits were constantly appealed to and quoted by the Dissenters? Can it be that a Protestant reformer teaching democratic principles was a *rara avis in terris*? At least, seventeenth century Episcopalianism recognized in

¹⁴⁶ Rahilly, *sup. cit.*, p. 203.

¹⁴⁷ *Ibid.*, p. 204.

¹⁴⁸ *Ibid.* He quotes Prynne's "Treachery and Disloyalty of Papists," 1642-3, p. 3. Cf. also Algernon Sidney's letter to his father: "In all preceding ages, Parliaments have been the palace of our liberty; the sure defenders of the oppressed; they who formerly could bridle kings, and keep the balance equal between them and the people." P. 48, "Discourse on Government," by Algernon Sidney, published from the original manuscript of the author in three volumes. Printed for Richard Lee by Deare & Andrews, New York, 1805.

¹⁴⁹ *Ibid.* He quotes "The Fallacies of Mr. W. Prynne Discovered and Confuted," Oxford, 1644, p. 16.

"Popery" a strong supporter of constitutional and democratic government.

In 1613, at the suggestion of Pope Paul V, Father Francis Suarez, S.J., wrote his *De Defensio Fidei* to refute King James' theory of divine right. Rome was evidently as much opposed to the theory of the divine right of kings in the time of James as she had been in the Middle Ages. One quotation from Suarez will give the reader a summary idea of his theory of the origin of civil power. "The civil power, whenever it is found in a man or a prince, has emanated according to usual and legitimate law, from the people and community, either directly or remotely, and that it cannot otherwise be justly possessed."¹⁵⁰ Among other things, Suarez informed James that his kingship was a purely human invention, and that the civil power came immediately from the people, whereas authority was a Divine institution, conferred on him by God, through the people. James graciously received the *De Defensio Fidei* by ordering a bonfire to be built in London, and there Suarez' work was honored by being publicly burned by royal command a few months after it had been printed. The Parliament of Paris also honored it in 1614 by putting it on its index *liborum prohibitorum* and denied it publication and circulation because it taught doctrines opposed to the sovereign power of kings and princes. It would seem that democratic ideas were considered too "Popish" in France, as well as in England, in the early seventeenth century.

In 1680 the theory of divine right of kings was elaborated into a scientific treatise by Sir Robert Filmer in his *Patriarcha, or The Natural Power of Kings*. In this treatise he insists that democratic ideas of government were "hatched" in the schools, meaning, of course, that they originated with the Schoolmen in Scholastic Philosophy. "At the outset he sets himself boldly to controvert the doctrine that 'mankind is naturally endowed and born with freedom from all subjection, and at liberty to choose what form of government it please; and that the power which any one man hath over others

¹⁵⁰ De Leg. lib. iii. c. 4.

was at first bestowed according to the discretion of the multitude." This tenet, he declares, owed its origin to the early Schoolmen, and 'had been fostered by all succeeding Papists for good divinity.' It was so plausible that it had found acceptance even with the divines of Protestants churches; and it recommended itself everywhere to the common people, as acknowledging the right of the meanest to some share of liberty. If Bellarmine's view were just, he maintains that a democracy would necessarily be the only lawful form of government; and all monarchies and aristocracies would be usurpations on that supreme power of the people which they were originally endowed by God."¹⁵¹ To think that a Catholic Cardinal should teach that democracy was the only lawful form of government! How disconcerting this must be to the students of modern conventional history who still cherish the false idea that the philosophy of Catholicism is the philosophy of absolute and arbitrary power! Filmer, however, was wrong in his conclusion. Neither Bellarmine nor any other Catholic teacher ever taught that democracy was the *only* lawful form of government. Any form of government, whether it be monarchy, aristocracy or democracy, is lawful, provided it has been determined by the people and it secures them in their rights to life, liberty and property. It is with the effects of government and not with the form that Catholicism is concerned.

There are two important facts to be noted in the above quotation from Dr. Gairdner: the "common people" everywhere were enamored of this "Papistical" tenet "hatched in the schools," and it was even accepted by Protestant divines. It was, therefore, not the property of the learned alone. Seller also, in his quotation previously given, stated that Parsons' teachings, too, had been "generally received."

That Filmer drew a wrong conclusion from Cardinal Bellarmine's teachings, the following quotation, taken from Bellarmine's *Treatise on Law*, proves:

"It is certain that public authority comes from God, from

¹⁵¹ Gairdner, *sup. cit.*, p. 280.

Whom alone emanate all things good and lawful, as is proved by St. Augustine throughout almost all of the forty-five books of the *City of God*. Indeed the wisdom of God, in the Book of Proverbs, Chapter VIII, cries out: 'It is by Me that kings reign'; and further on, 'It is by Me that princes rule.' The prophet Daniel, in the second chapter, 'The God of Heaven has given thee the kingdom and the empire'; and the same prophet, in the fourth chapter, 'Thy dwelling shall be with cattle and with wild beasts, and thou shalt eat grass as an ox, and shalt be wet with the dew of heaven, and seven years shall pass over thee, till thou know that the Most High ruleth over the kingdom of men, and giveth it to whomsoever He will.'

"But it is necessary to make some observations here. In the first place, political power, considered in general, and without descending in particular to monarchy, aristocracy, or democracy, emanates immediately from God alone; for being necessarily annexed to the nature of man, it proceeds from Him who has made that nature. Besides, that power is by natural law, since it does not depend upon men's consent, since they must have a government whether they wish it or not, under pain of desiring the destruction of the human race, which is against the inclination of nature. It is thus that the law of nature is divine law, and government is introduced by divine law; and it is particularly this which the apostle seems to have had in view when he says to the Romans, Chapter XIII: 'He who resists authority, resists the ordinance of God.'

"In the second place, observe, that this power resides *immediately*, as in its subject, in all the multitude, for it is by divine right. The divine right has not given this power to any man in particular, for it has given it to the multitude; besides, the positive law being taken away, there is no reason why one should rule rather than another, among a great number of equal men; therefore power belongs to the whole multitude. In fine, society should be a perfect state; it should have the power of self-preservation, and, consequently, that of chastising the disturbers of the peace.

"In the third place, observe that the multitude transfers this power to one person or more by natural right; for the republic, not being able to exercise it by itself, is obliged to communicate it to one or to a limited number; and it is thus that the power of princes, considered in general, is by natural and divine law; and the whole human race, if assembled together, could not establish the contrary, viz., that princes or governors did not exist.

"Observe, in the fourth place, that particular forms of government, are by the law of nations, and not by divine law. since it depends upon the consent of the multitude to place over themselves a king, consuls, or other magistrates, as is clear; and, for a legitimate reason, they can change royalty into aristocracy, or into democracy, or *vice versa*, as it was done in Rome.

"Observe, in the fifth place, that it follows, from what we have said, that this power in particular comes from God, but by means of the counsel and election of man, like all other things which belong to the law of nations; for the law of nations is, as it were, a conclusion drawn from the natural law by human reasoning. Thence follows a two-fold difference between the political and ecclesiastical power; first, difference with regard to the subject, since political power is in the multitude, and ecclesiastical in a man immediately, as in its subject; second, different with respect to the cause, since political power, considered generally, is by divine law, and in particular by the law of nations, while the ecclesiastical power is in every way divine law, and emanates immediately from God."¹⁵²

Even Filmer's own translation of Bellarmine proves he was wrong in saying Bellarmine taught democracy was the *only* lawful form of government. At the expense of repeating the substance of Dr. Gairdner's quotation, the following passage from the *Patriarcha*, the first sentence of the book is given:

"Since the time that school divinity began to flourish, there

¹⁵² Bell. de Laicis 1, iii., c. 6.

hath been a common opinion maintained, as well by divine, as by divers other learned men, which affirms:

"Mankind is naturally endowed and born with freedom from all subjection, and at liberty to choose what form of government it please; and that the power which any one man hath over others was at first bestowed according to the discretion of the multitude.

"This tenet was first hatched in the schools, and hath been fostered by all succeeding Papists for good divinity. The divines also of the Reformed Churches have entertained it, and the common people everywhere tenderly embrace it, as being most plausible to flesh and blood, for that it prodigally distributes a portion of liberty, to the meanest of the multitude, who magnify liberty as if the height of humane felicity were only to be found in it, never remembering that the desire of liberty was the first cause of the fall of Adam. . . . Yet upon the ground of this doctrine both *Jesuits*, and some other zealous favorers of the *Geneva* Discipline, have built a perilous conclusion, which is, *That the people or multitude have power to punish, or deprive the Prince, if he transgress the laws of the kingdom*; witness *Parsons* and *Buchanan*; the first under the name of *Dolman*, in the third chapter of his first book labors to prove that kings have been lawfully chastised by their commonwealth; the latter in his book, *De Jure Regni apud Scotos*, maintains a liberty of the peoples to depose their prince. *Cardinal Bellarmine* and *Calvin* both look askint this way."¹⁵³

On page 8 Filmer collects a number of sentences from different parts of *Bellarmino's* work into one paragraph, forming more or less a compendium of his political philosophy. The passage follows, the punctuation capitalization and italics, like the quotation above, being Filmer's:

"To make evident the Grounds of the Question, about the *Natural liberty of Mankind*, I will lay down some passages of

¹⁵³ The only place the author could procure a copy of this work was in the Library of Congress. The "*Patriarcha*; or, the *Natural Power of Kings*," is contained in "*Filmer on Government*." Printed by *Walter Davis*, London, 1680.

Cardinal *Bellarmino*, that may best unfold the State of this Controversie. *Secular or civil power* (saith he) is instituted by Men; it is in the People, unless they bestow it on a Prince. This power is immediately in the whole Multitude,, as in the Subject of it; for this Power is in the Divine Law, but the Divine Law hath given this Power to no particular Man.

. . . If the Positive Law be taken away, there is left no Reason, why amongst a multitude (who are equal) one rather than another should bear Rule over the Rest. . . .

Power is given by the multitude to one man, or to more, by the same Law of Nature; for the Commonwealth cannot exercise this Power, therefore it is bound to bestow it upon some One man or some Few. . . . It depends upon the consent of the multitude to ordain over themselves a King, Consul or other Magistrates, and if there be a lawful Cause, the multitude may change the Kingdom into an Aristocracy or Democracy. Thus far *Bellarmino*; in which passages are comprised the strength of all that ever I have read, or heard produced for the *Natural Liberty of the Subject*. . . . Late Writers have taken up too much upon Trust from the Subtile Schoolmen."

Thus, according to Filmer's own translation he had no right to conclude what he did from *Bellarmino*'s teachings—that democracy was the *only* lawful form of government, which he did on page 10, arguing illogically as follows:

"First, He (*Bellarmino*) saith, that by the Law of God, *Power* is immediately in the People; hereby he makes God to be the immediate author of a *Democratical Estate*; for a *Democracy* is nothing else but the Power of the Multitude. If this be true, not only *Aristocracies*, but all *Monarchies* are altogether unlawful, as being ordained (as he thinks) by Men, whereas God himself has chosen a *Democracy*."

On page 31 Filmer gives *Suarez*' doctrine on the origin of political power being in the multitude, and on page 37 labors in vain to disprove that the multitude derives this power from a law of nature.

Had Filmer's treatise not attained an unpopular celebrity

it probably would not have been celebrated at all. It was because of the attacks made on it by John Locke, the great Whig philosopher, and Algernon Sidney, who was beheaded for his Republican idealism, that it came to be widely known and read.

Notwithstanding that the works of Sidney and Locke were published after the Revolution of 1688, their influence on the development of political thought prior to 1688 was considerable. The spoken word in social intercourse has oftentimes more effect than the printed word in the volume, and Locke and Sidney were prominent figures in the stirring political events in England in the seventeenth century. The political ideals incorporated in their works were not of spontaneous growth. They were what they had thought, spoken and acted upon prior to their publication. From whom did Locke and Sidney take their fundamentals of politic society?

Locke's *Two Treatises on Government* was first published in 1689. The first treatise was an attack on the *Patriarcha*. Locke, therefore, was acquainted with the political philosophy of Bellarmine as epitomized therein by Filmer. While there is no positive evidence that he read the works of Bellarmine, yet would it not be logical to suppose he did? Who of us, when we have read extracts of an author with which we are in accord, are not prompted to examine his writings at greater length for the purpose of strengthening our own point of view by his argumentation and discussion? However, Locke's second treatise leaves no room for doubt as to the sources of his politics. It is to Grotius, Puffendorf, but most of all, to Hooker, that he is indebted.¹⁵⁴ He quotes Hooker verbatim in twelve places to the number of one hundred and fifty lines or more, and always as an authority in support of his arguments.¹⁵⁵ He refers to him constantly as the "judicious Hooker," and on page 398 in summarizing his own treatise against the arguments of those who opposed his political theories, he says:

¹⁵⁴ Cf. Ritchie, *sup. cit.*, p. 39.

¹⁵⁵ "Two Treatises on Government," by John Locke. London, 1821. Printed for R. Butler, W. Read, W. Sharpe and John Bumpus. Pp. 190, 199, 238, 249, 263, 264, 268, 269, 284, 302, 304 and 305.

"But I thought Hooker alone might be enough to satisfy these men." Such was Locke's regard for the authority and influence of Hooker, and the authority and influence of Hooker was, as we have just seen, that of scholastic philosophy. If Locke was not influenced by Bellarmine through the *Patriarcha*, he was influenced by him somewhat indirectly through Hooker, for Bellarmine was one of Hooker's authorities. The following quotation, although it sounds like "school divinity," is taken from Locke, and occurs on page 278: "The beginning of polite society depends upon the consent of the individuals, to join unto, and make one society; who, when they are thus incorporated, might set up what form of government they thought fit."

In his essay on *Toleration*, written in Holland, where as a political refugee, Locke had taken flight with his friend Lord Ashley, he enunciates as a fundamental principle that the object of the State is civil, not ecclesiastical, and that all religions whose doctrines are not subversive to good government should be tolerated.¹⁵⁶ Locke never found in the writings of the Protestant reformers such a democratic idea as this, nor did he find in their writings the other ideas he propounded in his *Two Treatises on Government*.

The *Discourses on Government*,¹⁵⁷ by Algernon Sidney, was published posthumously in 1689. The opening sentence is concerned with the *Patriarcha* of Filmer; the whole treatise is a refutation of it. On page 318, regarding a certain question, he is not "ashamed to concur with Bellarmine"; on page 332 he admits he read "a few works of Bellarmine"; on page 336 he takes "Bellarmine's first argument to be strong"; and on page 446 he writes: "I am not concerned in making good what Suarez says. A Jesuit may speak that which is true; but it ought to be received as from the devil, cautiously, least mischief be hid under it." Nevertheless, as Rahilly re-

¹⁵⁶ "The Works of John Locke," London, 1823, Vol. 6, pp. 29 and 45.

¹⁵⁷ "Discourse on Government," by Algernon Sidney, published from the original manuscript of the author in three volumes. Printed for Richard Lee by Deare & Andrews, New York, 1805.

marks, it was received. On pages 319 and 382 he mentions theories of Hobbes—Hobbes had stolen these from Parsons—and makes a verbatim quotation from him on page 394. He writes about Hooker on page 330, and quotes Grotius, giving the exact reference, on page 335. He refers to Doleman (Parsons) on page 316. Sidney, therefore, was acquainted with the writings of Bellarmine, Suarez, Grotius, Hobbes, Hooker and Parsons. Certainly his doctrine on civil magistrates, "that the people which institutes them, may proportion, regulate and terminate their power, as to time, measure and number of persons, as seems most convenient to themselves, which can be no other than their own good,"¹⁵⁸ smacks very much of "school divinity," and differs radically from the political philosophy of the reformers. In support of his argument that the object of government is the good and profit of those governed, he quotes two passages and gives the exact reference from a treatise by Bartholomew de Las Casas, Bishop of Chiapas. Sidney informs us on page 420 that we learn his doctrine from "Plato, Aristotle, Cicero and the best human authors." The question is, who were his best human authors? Could they have been some of his fellow Protestant philosophers and writers? If so, why did he not name them and let theirs be the credit? But perhaps "the best human authors" were the Schoolmen and the Jesuits whom he did not wish to credit for fear of having to admit of the probable concurrent diabolical origin of his doctrines, as was the case with his "making good what Suarez said."

Reference has been made to Grotius as a source for both Sidney and Locke. Few have had more influence on the political thought of his own or subsequent generations. Poet, moral and political philosopher, Christian apologist, the acknowledged founder of Modern International Law, eminent for his piety and for the profundity of his learning, he was universally acclaimed one of the foremost scholars of his age. Reared in the Protestant faith, he renounced it in later life, partly because of its errors, and partly because of the persecu-

¹⁵⁸ *Ibid.*, p. 420.

tion he was subjected to by his fellow Protestants of Holland, from whom he was obliged to flee, finding a welcome home in Catholic France. A student and disciple of Aristotle, his currents of thought flowed in the same bed as did those of the philosophers of Scholasticism. He was well versed in the writings of the early Fathers of the Church and in Catholic theology in general. In his most famous work, *Of the Rights of War and Peace*, published in Paris in 1625, he notes what Aquinas, "well says" on subjects he discusses, thus showing he was acquainted, and in agreement, with the writings of the great doctor of the schools. His "style is full of expressions borrowed from the jurists and schoolmen."¹⁵⁹ So well did he know, and knowing admire, the writings of Suarez, that he affirmed him one of the greatest theologians and philosophers.¹⁶⁰ The Catholic religion he preferred to all others. "persuaded that the Roman Catholic held all the fundamental truths." When writing as an apologist of Christianity or as a controversialist in religious discussion, he "speaks with all the zeal of a Roman Catholic Disputant." The decrees of the Council of Trent he accepted almost in their entirety. In fact, he was so Catholic in thought in all his works that zealous Protestant clergymen, to render him odious, printed and circulated a book entitled "Grotius, the Papist." M. Arnaud, M. Bignon and Hallam¹⁶¹ assert he declared his intention of formally embracing Catholicism on his return from Sweden, but, dying on the journey, was prevented from fulfilling his purpose. In the latter part of his life he became a great admirer of the Jesuits, and wrote publicly in defense of their society. Among his many and influential friends none shared his confidence, affection and admiration more than the Jesuit, Father Petau, who, when he learned of his death, offered up a mass for the repose of his soul, so confident was he that

¹⁵⁹ P. 14, Preface. "Hugonis Grotii De Jure Belli et Pacis," accompanied by an abridged translation by William Whewell, D.D., Master of Trinity College and Professor of Moral Philosophy in the University of Cambridge. Cambridge, 1853, J. W. Parker, London.

¹⁶⁰ Epis. 154, J. Coresio.

¹⁶¹ Intro. to the History of Literature, Vol. 11, p. 35.

Grotius died a Catholic at heart.¹⁶²

Now the mind, like the body, grows on what it feeds, and the mind of Grotius grew on the intellectual food he digested, which was that of Aristotle, the early Fathers of the Church, Aquinas, and the famous Catholic theologians and jurists, Francis Victoria, Henry Corinchem, Johannes de Carthagenia, John of Segovia, Francis Arias, Giovanni de Lignano, whose several treatises concerning the laws of war he acknowledges he had read before writing his own.¹⁶³ In his fundamental principles he was Catholic, and this fact must be kept constantly in mind when considering the influence of two of his disciples, Puffendorf and Burlamaque. It was Grotius' *Of the Rights of War and Peace* that gave occasion to Puffendorf's *Of the Law of Nature and Nations*. The latter is avowedly built on the former. Puffendorf did but elaborate on Grotius, and he acknowledges himself that few things could be said after Grotius had written his treatise. Barbeyac, who edited Grotius' work in 1730, thinks that had not Grotius led the way, Puffendorf could never have followed.¹⁶⁴ As is evidenced by the innumerable citations and quotations, Burlamaque's *Principles of Natural and Politic Law* is nothing more or less than an exposition of the philosophy of Grotius.

The relationship between Grotius and his two disciples, Puffendorf and Burlamaque, has been noted in the preceding paragraph for the reason that their works cited above were read by American Whigs, who unknowingly were imbibing the fundamentals of Catholic jurisprudence, with an admixture of some few Protestant errors, from secondary authorities.

Anticipating the objection that Grotius' treatise could not have been an exposition of Catholic political principles because it was condemned and listed on the Index Expurgatorius, attention is called to the fact that the condemnation of any book may be caused by the inclusion of one false moral or political

¹⁶² Cf. "The Life of Hugo Grotius," by M. De Burigny. London 1754, pp. 282, 287, 300 and 301.

¹⁶³ Whewell, *sup. cit.*, "Prolegomena," p. 63.

¹⁶⁴ Cf. Burigny, *sup. cit.*, p. 110.

principle contained therein, on account of which the whole book is prohibited. Or it may be that a book contains theories that are dangerous to the peace and welfare of society at the time they are enunciated, but would not be at some later period. That Grotius' work was placed on the Index *donec corrigatur*—until corrected—there is no doubt, but it was because Grotius erred in the particular and concrete application he made of the general and abstract principles he had taken from Catholic sources. While no *corrected* or expurgated edition of Grotius' treatise ever appeared, his work is not to be found on the Revised Edition of the Index of Leo XIII and Pius X. This is admitted by such a biased author as Andrew D. White in his book, *Seven Great Statesmen*,¹⁶⁵ Grotius being one of the seven; but his explanation of the fact is unworthy of consideration. Too much reliance is not to be placed on White's researches, for his mental vision was so blinded by the fog of his anti-Catholicism that in the part of his work devoted to Grotius he suppressed every fact narrated here concerning him. He could not have been ignorant of them, for among his references is Whewell, and it is incredible to suppose he was unacquainted with the work of Burigny, which is standard and authoritative. However, had he presented the facts contained herein, they would have destroyed the bigoted purpose of his biographical sketch.

That Grotius was held in high esteem in Catholic circles during his life is proved by the widespread circulation of his book among the clergy¹⁶⁶ and by the praise given him—priests, bishops and cardinals rendering him honor. Further proof, if it were needed, of the amicable relations existing between Grotius and the hierarchy is seen in his commendation of Pope Urban VIII in the poem on the Mother of God, although it was Urban who condemned his works and placed them on the Index.¹⁶⁷

History records no literary, social, political or religious revo-

¹⁶⁵ P. 101, footnote. New York, The Century Co., 1912.

¹⁶⁶ His works were universally read and permitted in Rome for two years before they were put on the Index. Cf. Burigny, *sup. cit.*

¹⁶⁷ Burigny, *sup. cit.*, p. 113.

lution that was not an attempted restoration,¹⁶⁸ and the English Revolution of 1688 furnishes us with a typical illustration of this truism. It destroyed a monarchical government and set up in its stead a constitutional form, under which the ancient civil rights and liberties of Englishmen were restored. It was not something new, but something old that English Whigs demanded—a return to the political freedom of their forefathers. While it is true that the leaders and their followers in this political drama were Protestants, yet it is also true that the Bill of Rights which they caused to be enacted was the resultant of a century of democratic thought development attained by the assiduous study and propagating of Scholastic and Jesuitical political theories, as has just been shown. Unable to find in the philosophy of the reformers any justification for action that would rid them of a despotism depriving them of their God-given and natural rights, the non-conformists appropriated the democratic dogmas and ideas expounded by distinguished Catholic philosophers and writers on state polity.

“There are laws of nature governing mankind as well as the material world,” writes James Bryce, “and man will thrive better under these laws than under those which he makes for himself through the organization we call government.”¹⁶⁹ Bryce might have added with as much truth that when organized government fails to govern according to these laws of nature, it inevitably causes its own destruction. The natural law governing human beings is as immutable and indestructible as the laws governing the universe, and organized government can no more hope to destroy it by a display of arbitrary force than it can hope to change the course of the planets, prevent the orderly succession of the seasons, or water from seeking its own level. It may for a short or long period of years prevent its functioning, but by doing so it stores up a force which, when

¹⁶⁸ Cf. Chesterton's "What's Wrong With the World?" p. 34. New York, Dodd, Mead & Co., 1910.

¹⁶⁹ "The American Commonwealth," Vol. 11, p. 419. Macmillan & Co., second edition, revised. London, 1891.

liberated, produces its annihilation. Man will act according to the impulses of his nature, notwithstanding what any group of officials—organized government—may do to the contrary. When a centralized and tyrannical government refuses to recognize the right of the people to their life, their liberty and their property and endeavors to control by arbitrary force those acts which they are at liberty to do on their own initiative, unaided and uncontrolled by the machinery of government, it violates the natural law; and just as the individual in transgressing the laws of the land becomes a criminal amenable thereto, so also governments become criminally liable for their transgressions on the natural law, and when the people sitting in judgment find it guilty, they incarcerate it in such constitutional manner and form as they think most conducive to their future safety, peace and prosperity. This is the philosophy of revolutions: it is the striving of mankind to reach their political social and religious level ordained by the Author of their nature.

Why, if the Bill of Rights was the resultant of a movement founded on Catholic political philosophy, were Catholics excluded from participating in its privileges and benefits? The answer to this unique historical paradox is found in the conduct of James II—the immediate cause of the Revolution—and the severities practiced in the reign of Mary.

Over a century had elapsed since the death of Mary. Tradition calumniated her to those then living as "history has been cruel to her memory."¹⁷⁰ Considering the spirit of the age, she was impolitic, but not unjust. The severities which Bonner and Gardner, the minions of her favor, practiced to stamp out the sedition, intrigue and conspiracy prevalent in her reign well merited the title of "bloody," but, as Dr. Gairdner maintains, it is "not just" to apply the epithet to Mary.¹⁷¹ The same author, after a dispa-

¹⁷⁰ Gairdner's "History of the English Church in the Sixteenth Century," p. 389.

¹⁷¹ Ibid.

sionate review of the events of her reign,¹⁷² summarizes it as follows: "Mary's government of England was a sad failure, but it was not merely on account of her religion. It was mainly because the fanaticism of others encouraged treason, and because her cold, cautious Spanish husband was not the man to strengthen English loyalty. A further reason, of course, was that the possessors of Church lands disliked even the moral effect of her example of restoring Church property."¹⁷³ The last reason would seem to be most important. The heirs of those who had robbed the people and Church under Henry and Edward did not wish to disgorge their loot, and the strife they fomented brought odium not only on the name of Mary, but on Catholics generally. The English people remembered only the blood shed, as they thought, in the cause of Rome, and the memory of it caused ill-will to Catholics.

To those who framed the Bill of Rights the reign of Mary was a tradition, but of the conduct of James they had been eye-witnesses. James, by his *Declaration of Indulgence*—an unconstitutional and arbitrary act—rescinded all statutes against all non-conformists. He was justified in doing this by the Protestant principle of divine right and absolute power of the English king, which, while it was a legitimate working principle for a Protestant monarch despoiling Catholic subjects, was not, it would seem, one for a Catholic sovereign to act on when insisting on the removal of the civil disabilities of Catholics and on the restitution by Protestants of their ill-gotten wealth. James, by the course he pursued, alienated the support of all conformists and a great portion of English Catholics, who were astounded at his rashness. The reigning Pontiff, Pope Innocent XI, condemned his course of action in every letter from the Vatican. Both Macaulay and Lecky admit that Innocent did not approve James' "violent and unconstitutional exercise of the royal authority," because the

¹⁷² Ibid., p. 316, et seq.

¹⁷³ Ibid., p. 392.

measures he took to re-establish Catholicism would result in associating, in the minds of Englishmen, "Popery with arbitrary power" and "Protestantism with civil freedom." While there is evidence to doubt the sincerity of James' protestations of love of religious freedom, yet there is much truth in Cobbett's saying that "James II wished to put an end to the penal code; he wished for general toleration; he issued a proclamation, suspending all penal laws relating to religion, and GRANTING A GENERAL LIBERTY OF CONSCIENCE TO ALL HIS SUBJECTS. This was his OFFENCE. For this he and his family were SET ASIDE FOREVER. No man can deny this."¹⁷⁴ (Capitalization Cobbett's.) English Catholics had only Mary and James to blame for the animosity of their fellow-countrymen, which, while depriving them of their civil and religious rights, did not prevent Protestant dissenters from sharing political equality with Protestant conformists.

¹⁷⁴ Cobbett, *sup. cit.*, Letter 15, p. 4.

PART VI.

THE SOURCES OF AMERICAN DEMOCRACY

The Bill of Rights was a milestone in the progress of modern democracy. Many writers have seen in it the model of the American Declaration of Independence. The similarity, however, exists only in the minor, not the major, features. In the American declaration the recitation of abuses suffered by the colonists was given as concrete examples of how the abstract and fundamental principles of State polity, contained in the preamble, had been violated. The preamble was the political apology of the American colonists for their rebellion against the mother country. It was the most essential part of the document. Upon its acceptance by the peoples of the world depended the colonists' justification or condemnation. The foundation stones of the most democratic of modern governments was laid when it was declared, first, that all men are possessed of political freedom and equality; second, that this freedom and equality is a right derived from the Divine and natural law; third, that sovereign power resides in the multitude; fourth, that the object of government is the commonweal; and, fifth, that it is the duty of the majority, as well as a right, to change the old and determine the new form the government shall take when their welfare has not been attained. Nowhere in its supposed English prototype, the Bill of Rights, are these the fundamentals of American democracy to be found; the source of their origin then must be sought elsewhere.

Before noting the immediate sources of the Declaration of Independence and the political literature current among American Whigs prior to its adoption, it is necessary for a complete conception of the development of American democracy to trace the origin of the right of self-government

possessed by almost all the colonies from their foundation. Were the original settlers indebted to Catholicism or Protestantism for this legacy or tradition of political autonomy?

The American colonies were originally settled by trading companies, chartered plantations and by those driven into exile on account of religious persecution. The trading companies were an evolution of the Merchant Adventurers of the Low Countries, which in turn had been evolved from the city, trade or merchant guilds of the Middle Ages.¹⁷⁵ In our short sketch of guild life in the middle Ages the distinguishing feature noted was the social and political democracy of the people, a result of their charters, constitutions and by-laws, granted them by successive sovereigns. The guilds were corporate bodies, the members of which formed a religious, political, social or trade society, with full power of local self-government. The trade and merchant guilds having proved effectual for municipal commerce, it was but natural that they should, when occasion demanded, be developed to meet the purposes of overseas trade.

The Merchant Adventurers claimed they originated in the times of Thomas á Becket, that they were originally a Becket Brotherhood.¹⁷⁶ However doubtful this claim may be, it is agreed by most modern writers that they may justly claim to have existed from the reigns of Henry III or Edward I, the date of their birth being about 1296. In the charter granted by Henry IV, February 5, 1406-7 to the English Merchants of Holland, Zeeland, Brabant and Flanders, paragraphs 4 and 9 prove that the primary object of the early charters was not for the purpose of granting trade monopolies, but to enable Englishmen resident in foreign lands to govern themselves. Accordingly it is written that his majesty:

(4) "Do will and grant, by the tenor of these presents,

¹⁷⁵ Cf. "The Beginnings of English Overseas Enterprises," by Sir C. P. Lucas, Oxford, 1917, p. 19.

¹⁷⁶ Cf. Lucas, *sup. cit.*, p. 24.

to the said merchants, that they may freely and lawfully assemble and meet together, as often and whensoever they please, in some convenient and fitting place, where they shall think good, and that they may choose and elect among themselves certain sufficient and fit persons for their governors in those parts at their good liking." . . .

(9) "And by the common consent of the aforesaid merchants, our subjects, to make and establish statutes, ordinances and customs as shall seem expedient in their behalf for the better government of the state of the said merchants our subjects."¹⁷⁷

In the charter of 1505, granted by Henry VII to the Merchant Adventurers at Calais, authority is given "to elect a governor and 'four and twenty of the most sad and honest persons of divers fellowship of the said Merchant Adventurers' to be his assistants, thirteen to form a quorum"; the governor, his deputies and the twenty-four assistants elected by the whole body of the membership to have full executive, administrative and judicial power and authority.¹⁷⁸

The right of self-government, the seat of which was not to be in England, but on foreign soil, was a prerogative of Englishmen sojourning in foreign lands for centuries before the Reformation; and during the reigns of Henry VIII, Edward and Elizabeth no attempt was ever made to curtail this right. The commercial supremacy of the British Empire was so closely interwoven with the success of the English Merchant Adventurers that civil rulers dared not encroach upon their traditional powers and privileges. The success of enterprising merchants was due almost entirely to their charters, the one and only object of which was better government, and the way in which better government was to be attained was by granting self-government to those concerned.¹⁷⁹

There is not to be found any dissimilarity regarding the

¹⁷⁷ Lucas, *sup. cit.*, Appendix, p. 184, *et. seq.*

¹⁷⁸ Lucas, *sup. cit.*, p. 71.

¹⁷⁹ Cf. Lucas, *sup. cit.*, p. 150.

right of self-government between the pre-Reformation charters granted to the Merchant Adventurers of the Low Countries and those charters and patents granted to American Merchant Adventurers. In the second charter, which was an amendment to the original one, granted by King James to the Virginia Company, May 23, June 2, 1609. Article IX states:

"The said Council and Treasurer, or any of them, shall be from henceforth nominated, chosen, continued, displaced, changed, altered, and supplied, as Death, or other several occasions, shall require, out of the Company of the said Adventurers, by the voice of the greater Part of the said Company and Adventurers, in their Assembly for that Purpose."¹⁸⁰

The charter given to the English merchants in 1407 might almost have been used as a model for the founding of English colonies in America.

This right of self-government contained in the preceding charters was the principle adopted by the Puritans in their Church polity. Robert Brown founded the first congregation of independents—an offshoot of Puritanism known later as Congregationalism—in Norwich in 1580. And Norwich was noted for its guilds, especially the Guild of St. George, founded in 1385, which, like all guilds, was a self-governing body, but, unlike most of them, was not destroyed during the religious revolt in the sixteenth century. If Brown was not impregnated with the democratic idea of Congregationalism from the guild life that prevailed in Norwich, his followers had a chance to imbibe it from the English Merchant Adventurers of Holland, to which place they emigrated with Brown when persecution waxed hot in England. The most prosperous congregation of independents in Holland was that of Leyden, under Robinson, of which the "Pilgrim Fathers," who set sail for America in 1620, were members.

¹⁸⁰ P. 14, "Select Charters and Other Documents Illustrative of American History, 1606-1775," by William Macdonald. New York, The Macmillan Co., 1899.

In the Mayflower Compact (November 11-21, 1620), drawn up on shipboard, is found the identical principle of self-government, with similarity of thought and phrase, as expressed in the charters of the Merchant Adventurers. This compact had a twofold purpose, a basis for the government of the colony in the absence of a patent, and to quiet the "discontented and mutinous speeches" of some of the company. Their original grant was from the Company of Southern Virginia, but circumstances prevented their making a settlement in accordance therewith, and they had to form a company of their own.¹⁸¹ Under such conditions, what more could be expected than that their compact would reflect the traditional political thought of adventurers, as the following illustrates:

"In the name of God, Amen. We whose names are underwritten . . . do by these presents solemnly & mutually in the presence of God, and one of another, covenant & combine our selves together into a civil body politick, for our better ordering & preservation & furtherance of the ends aforesaid; and by vertue hearof to enact, constitute, and frame such just & equal lawes, ordinances, acts, constitutions, & offices, from time to time, as shall be thought most meete & convenient for the general good of the Colonie unto which we promise all due submission and obedience."¹⁸²

In 1643 Roger Williams, being banished from Massachusetts, obtained a patent through the influence of the Earl of Warwick, uniting several settlements under the name of the Providence Plantations. In this patent we read that the settlers have

"full Power and Authority to rule themselves, and such others as shall hereafter inhabit within any Part of the said Tract of land, by such Form of Civil Government, as by voluntary consent of all, or the greater Part of them,, they shall find most suitable to their Estate and Condition ;

¹⁸¹ Cf. Rahilly, *sup. cit.*, p. 197, footnote No. 4.

¹⁸² Macdonald, *sup. cit.*, p. 33.

and for that end, to make and ordain such Civil Laws and Constitutions, and to afflict such punishments upon Transgressors, and for Execution thereof, as to place, and displace Officers of Justice, as they, or the greatest Part of them, shall by free Consent agree unto."¹⁸³

The continuity of the right of self-government is unbroken in charters and ordinances from the Statute of the Staple passed by Act of Parliament in 1353,¹⁸⁴ to the Frame of Government of Pennsylvania in 1682.

Numerous other examples could be cited to show that this right of self-government existed in practically every American colony from its foundation, and was handed down from father to son as a priceless heritage. No other theory of government, except the divine right of kings, was known to them. That all governments derived their just powers from the consent of the governed was the Alpha and Omega of their political faith; and the Reformation, or Protestantism, can no more claim the parentage of this medieval guild legacy of political autonomy than it can claim as its own the doctrine of Papal infallibility. "The American colonists, merchant as well as religious adventurers, merely set up farther afield in untrodden soil those little commonwealths and bodies politic which had long existed in Calais and Antwerp and Bruges. Religious guilds working through nonconformist churches, and merchant guilds transformed into trading companies and chartered plantations, combined to produce the United States of America."¹⁸⁵

The right of self-government existed in the trade and merchant guilds before the Reformation; it continued to exist during and after the Reformation in the charters of the Merchant Adventurers and trading companies; and, finally, this right survived the attack made on it by George III, who, acting on the Protestant principle of divine right and absolute sovereignty, tried to govern the American colonies without their consent and for other than their

¹⁸³ *Ibid.*, p. 93.

¹⁸⁴ 27 Edw. III, stat. II.

¹⁸⁵ Rahilly, *sup. cit.*, p. 197.

benefit. It was because of George's attempt to apply a fundamental principle of Protestant political philosophy that England is indebted to him for the loss of the greatest and richest colony she possessed.

If it be argued that the right of self-government possessed by the American colonies was nullified by the article in some of the charters providing that no law or ordinance could be enacted which conflicted with the rights of the mother country, let it be answered that the citizens of the State of New York possess self-government in their State affairs, even though limited by their Federal Constitution; and the inhabitants of the City of New York possess municipal self-government, though limited by the Federal and their State constitutions. The colonists, in their infancy, did possess the right of self-government in practically all the concerns of every-day life. In their adolescent period many encroachments were made on this right, and when they attained their majority and the parent insisted on ruling its offsprings' economic and social life without their consent and for the interests of the parent, then it was her colonial sons decided to sever their filial ties and establish a home of their own.

PART VII.

THE IMMEDIATE SOURCES OF THE DECLARATION OF INDEPENDENCE

The political creed of most people resembles their religious creed in at least one particular: it has no philosophical basis. Yet there are a few grown-ups who never completely recover from their childhood inquisitiveness, but always insist on taking the clock apart to know the why and wherefor of the tick-tick. For those possessed of this type of mind, the origin, forms and ideals of government have always been an interesting subject of study, and, in general, they are impelled to an analysis and synthesis of political science because of some exigency of the times. When England by act after act gradually stripped her American colonies of their Catholic heirloom of the right of self-government, the thinkers among the colonists sought in treatises on civil government, a philosophical basis for their traditional political faith, and the works of ancient and modern writers were read with the view of establishing more firmly their own theory that governments were only by and with the consent of the governed and for the common welfare.

The English revolution of 1688 was not without its effect on the political thought of the American colonists, especially on that of the Southern colonists who were closely connected by blood, social customs and religious belief with many English families of high intellectual attainment. Many of the sons of these old families were sent to the mother country to be educated, and while there witnessed the domestic struggle between Tory and Whig, read the literature of both, and took sides according to their traditions and convictions. On their return to America they brought with them not only the theories, but the works of

the English Constitutionalists and popularized them with their compatriots. Besides this rivulet, there was the broad and steady stream of English constitutional thought which flowed from the immigration of religious and political refugees to America in the eighteenth century. They, too, popularized the theories and works of English Whigs which had caused the recrudescence of democracy in England and which resulted in the revolution. The logical effect of all this political agitation and discussion was to confirm the justice of the claim of the American colonists to their hereditary right of self-government and to establish more firmly on a rational basis, nascent American democracy.

John Locke's "*Two Treatises on Government*" and Algernon Sidney's "*Discourse on Government*" were the two most popular and most widely read works prior to the revolution, and served as the text-books on State polity for American patriots. Copies were in every large library in America in 1776, and were read by every one interested in the political questions of the times.¹⁸⁶ Sidney, on account of his Republicanism, was beheaded in 1683, and it was undoubtedly due to his tragic end that he was idolized by Americans. Roads and lanes, as well as children, were named after him. Newspaper and periodical contributors adopted his name as their nom de plume, and many of the country residences of landed gentry were called "Sidney" in his honor.¹⁸⁷ Pennsylvania and Delaware were indebted to him for their constitutions.¹⁸⁸ His influence on American political thought was second only to that of Locke, although his popularity was perhaps greater.

Some have seen in Montesquieu, others in Burlamaque or in Puffendorf, the source and inspiration of American democracy. While "*The Spirit of the Laws*" of the first. "*The Principles of Natural and Politic Law*," of the second, and

¹⁸⁶ P. 282, "The Virginia Declaration of Rights and Cardinal Belarmino," by Gaillard Hunt. "Catholic Historical Review," Vol. III, pp. 276-289.

¹⁸⁷ Ibid.

¹⁸⁸ Gooch, sup. cit., p. 355.

of "*The Rights of Nature and Nations*," of the third, were known and studied, yet in none of these works can be found the particular and concrete form of government American Whigs sought to continue and perpetuate. All of these authors treated governmental forms in the abstract, while the colonists were seeking the reasons for the foundations of the form their forefathers had established, and which they were intent upon continuing. They desired no substantial transformation in their accustomed form of self-government, but wished to learn the basic reasons for its justification. The abstractions of Montesquieu, Burlamaque and Puffendorf may have been instructive, but the study and reading of them could not have served the practical purposes of the colonists.

The influence exerted by Burlamaque and Puffendorf, the disciples of Grotius, seems to have been much greater than that of Montesquieu and inasmuch as they reiterated the fundamental principle of their master, that the natural law was the basis of the rights of individuals and nations, their influence was that of Scholastic Philosophy. This elementary truth of national and international polity, Grotius had taken from Catholic canonists and jurists, as has already been noted, but his disciples handed it on to the Americans corrupted by their personal interpretation. They did not present the theory of the natural law so clearly, logically, nor so acceptably as did Locke, who became the political guide and authority of American rebels.

It has already been noted how Locke was influenced by scholastic philosophy through Hooker. Was he influenced directly or indirectly by the same through any medium other than Hooker? Besides appealing to Hooker in support of his principles at the end of his second treatise, on the same page (p. 398) Locke also asks his readers who do not agree with him to compare what he has written with what has been written on the same subject by the English constitutionalist, Sir John Fortescue. This appeal to Fortescue predicates at least four things; first, that Locke had read Fortescue's work and was, in all probability, influenced by

it; second, that Locke was in agreement with him; third, that Locke considered him an authority; and, fourth, that, according to Locke, the principles of Fortescue were in accord with right reason and experience. Now the *Goverance of England*, by Fortescue besides being the first constitutional treatise written in the English language, was founded almost entirely on Scholastic Philosophy. Locke, therefore, in appealing to Fortescue in support of his theses, actually appealed to Scholastic Philosophy. And Locke was no exception. Fortescue was the court of appeal for many of the seventeenth century constitutionalists who found sanction, not in the political philosophy of the Reformation, but in the philosophy of Catholic juridical writers.

Professor Ritchie says¹⁸⁹ that it was Locke who passed on the conception of the natural law to the fathers of the American Republic. A few quotations taken from Locke's treatise will show how true this statement is, and how well the presentation by Locke served the purposes of the colonists. The passages are taken from the second treatise, as his first treatise is concerned only with "the false principles and foundation of Sir Robert Filmer and his followers," while "the latter is an essay concerning the true original extent and end of civil government."

On page 189 Locke quotes a long passage from the first book of the *Ecclesiastical Polity*, wherein the "judicious" Hooker expounds the natural law. It is plain that the quotation is given both as a source and as an authoritative support for what Locke writes on the second page following: "*The state of nature* has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all *equal and independent*, no one ought to harm another in his life, health, liberty, or possessions." That Locke took his conception of the natural law from Hooker is evident; and as it known, Hooker took it from the Scholastics. The American patriots learned a truer scholastic interpretation

¹⁸⁹ Ritchie, *sup. cit.*, p. 39.

of the natural law from Locke than they did from Grotius through Puffendorf and Burlamaque.

According to Locke this law of nature was operative in governments from the very beginning. In Chapter VIII, page 269, writing *Of the Beginning of Political Societies*, he observes that "men being, as has been said, by nature, all free, equal and independent, no one can be put out of this estate, and subjected to the political power of another, without his own consent," which was the contention of American Whigs: governments derive their just powers from the consent of the governed. When discussing the *Extent of the Legislative Power* in Chapter XI, page 305, he justly maintains that this law of nature even limits the power of representative assemblies, for "the obligations of the law of nature cease not in society, but only in many cases are drawn closer, and have by human laws known penalties annexed to them, to inforce their observation. Thus the law of nature stands as an eternal rule to all men, *legislators* as well as others. The *rules* that they make for other men's actions must, as well as their own and other men's actions, be conformable to the law of nature, i. e., to the will of God, of which that is a declaration, and the *fundamental law of nature being the preservation of mankind* no human sanction can be good or valid against it." If our modern legislators would only read and then act according to this principle announced by Locke, but not original with him!

3 Sidney and Locke were the two favorite authors of Thomas Jefferson.¹⁹⁰ How well Jefferson knew the treatises of Locke and how highly he valued them is proved by the fact that he did not hesitate to incorporate some of Locke's phrases in the Declaration of Independence, to-wit:

But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to

But if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they

¹⁹⁰ Hunt, *sup. cit.*, p. 288.

throw off such government and to provide new guards for their future security.¹⁹¹

are going, it is not to be wondered at that they rouse themselves, and endeavor to put the rule in such hands which may secure to them the ends for which government was at first erected.¹⁹²

Tradition has it that Richard Henry Lee sneered when he read Jefferson's draft of the Declaration of Independence, as presented to the committee, because, as he said, it had been copied in part from Locke's *Second Treatise on Government*. There is at least some internal evidence to justify Lee for making his assertion.

That one of the immediate sources of Jefferson's Declaration of Independence was Locke's *Second Treatise on Government* there is little room for doubt; and there is less room for doubt that his second and more important source was the Jesuit, Cardinal Bellarmine. Before considering the evidence that justifies this assertion, the contention of many that Jefferson was not the real author of the Declaration of Independence must be disposed of.

Those who deny Jefferson was the author of the Declaration of Independence base their claim on either one of the following: First, that the declaration was drawn up by Adams and Franklin and merely transcribed by Jefferson; that it was the work of a subcommittee of a committee of five, composed of Adams, Franklin and Jefferson, with Jefferson as the amanuensis; second, that the similarity existing between the preambles of the Declaration of Independence and the Virginia Declaration of Rights proves that the American Declaration is a paraphrase of the Virginia Declaration which was written by George Mason, and, therefore, it is Mason and not Jefferson who should be considered the real author of the Declaration of Independence. Each claim will be considered separately.

When in accordance with instructions from his home State, Richard Henry Lee offered his resolution for in-

¹⁹¹ Declaration of Independence.

¹⁹² Locke "Second Treatise on Government," cit., p. 382.

dependence on June 7, 1776, it was thought necessary to preface it with a preamble "that should declare the causes which impelled the representatives of the people to adopt it." Accordingly, on June 11 a committee of five—Jefferson, Adams, Franklin, Sherman and Livingston—were chosen by ballot of the Continental Congress. The chairmanship of the committee went to Jefferson, because it was the custom of Congress to give that office to the one receiving the highest number of votes cast. When the committee of five met they decided that Jefferson alone do the task, although Jefferson desired Adams to draft the declaration. As soon as Jefferson had completed the original draft, he showed it first to Franklin and then to Adams, requesting each to make any corrections he thought proper. The original draft by Jefferson with the few corrections made in the handwriting of Adams and Franklin is still in existence at the Department of State in Washington. Jefferson rewrote the whole, incorporating the two or three changes made by Adams and Franklin, and then reported it to his committee of five. It was reported to Congress on June 28, on July 2 it was adopted, and on July 4 unanimously agreed upon. There never was proposed or appointed any subcommittee of the committee of five which had been elected by the Congress to draw up the declaration, and the only evidence to support the contention that there was, and that Jefferson was not the original draftsman, is a letter of John Adams, written in his dotage (aged 88) and published by Pickering in 1822.¹⁹³

The similarity existing between the preamble of the American and Virginia declarations is easily accounted for by the fact that Jefferson wrote both. Before Jefferson left home to attend the Continental Congress in Philadelphia the Virginia convention had appointed a committee to draft a declaration of rights and a form of government for the colony of Virginia. George Mason had drawn up the

¹⁹³ Cf. "Writings of Thomas Jefferson," footnote No. 3, p. 24, Vol. I, by P. L. Ford. G. P. Putnam's Sons, New York, 1899.

Bill of Rights and the Constitution when Jefferson's plan arrived from Philadelphia. The preamble of Jefferson, however, made such a favorable impression that it was prefaced to Mason's Bill of Rights. This information we have on the testimony of Jefferson himself in a letter written to Judge Augustus B. Woodward from Monticello on April 3, 1825, as follows:

"DEAR SIR:

Your favor of March 25 has been received. The fact is unquestionable, that the Bill of Rights, and the Constitution of Virginia, were drawn originally by George Mason, one of our really great men, and of the first order of greatness. The history of the Preamble to the latter is this: I was then at Philadelphia with Congress; and knowing that the Convention of Virginia was engaged in forming a plan of government, I turned my mind to the same subject, and drew a sketch or outline of a constitution, with a preamble, which I sent to Mr. Pendleton, president of the convention. He informed me afterwards by letter that he received it on the day on which the Committee of the Whole had reported to the House the plan they had agreed to; that that had been so long in hand, so disputed inch by inch, and the subject of so much altercation and debate; that they were worried with the contentions it had produced, and could not, from mere lassitude, have been induced to open up the instrument again; but that, being pleased with the Preamble to mine, they adopted it in the House, by way of amendment to the Report of the Committee; and thus my Preamble became tacked to the work of George Mason. The Constitution, with the Preamble, was passed on the 29th of June, and the Committee of Congress had only the day before that reported to that body the draft of the Declaration of Independence. The fact is, that that Preamble was prior in composition to the Declaration; and both having the same object, of justifying our separation from Great Britain, they used necessarily the same materials of justification, and hence their similitude."¹⁹⁴

The following shows the similarity of thought and phrase in the two preambles:

AMERICAN

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That

VIRGINIAN

That all men are born equally free and independent and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are the enjoyment of life and liberty,

¹⁹⁴ Ibid. Vol. X, p. 341.

to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be charged for light and transient causes; and accordingly all experience hath shown, that mankind are most disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety. That power is by God and nature vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them. That government is, or ought to be, instituted for the common benefit and security of the people, nation or community. Of all the various modes and forms of governments, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration. And that whenever any government shall be found inadequate, or contrary to these purposes, a majority of the community hath an undoubted, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

The nexis is so obvious comment is unnecessary.

There seems to be no authentic record of Jefferson's draft of the Virginia preamble. Neither Ford nor any of the biographers of Jefferson the author has consulted give it. Hunt gives the one quoted above as that submitted by Mason's committee, and states that it is among Mason's papers in the Library of Congress.¹⁹⁵ Because it so closely resembles the American preamble, which wonderful similarity can hardly be accounted for by any other fact than Jefferson's claim that he wrote both, it has been accepted as Jefferson's own. All authorities agree that the preamble

¹⁹⁵ Hunt, *sup. cit.*, p. 289.

adopted, which shows only verbal differences from the one given above, was as follows:

"That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when a government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal."¹⁹⁶

Now let us compare the summary of Bellarmine's democracy as contained in Filmer's "Patriarcha" with the two preambles above:

BELLARMINE

Secular or civil power is instituted by men; it is in the people, unless they bestow it on the prince. This power is immediately in the whole multitude, as in the subject of it; for this power is in the divine law, but the divine law hath given this power to no particular man.

(Sovereignty resides in the people.)

If the positive law be taken away, there

AMERICAN

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

(Political equality and freedom of all men.)

That to secure these rights, governments are instituted among men, deriving their just powers

VIRGINIAN

That all men are born equally free and independent and have certain inherent natural rights, of which they cannot, by any compact, deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

(Political equality and freedom of

¹⁹⁶ P. 3757, Vol. V, "History of Ready Reference," by J. N. Larned, 1901.

is left no reason why amongst a multitude (who are equal) one rather than another should bear rule over the rest.

(Political equality and freedom of all men.)

Power is given by the multitude to one man, or to more, by the same law of nature; for the commonwealth cannot exercise this power, therefore it is bound to bestow it upon some one man or some few.

(From this passage and the first one, the rights and duties of the governing and governed are derived from the divine and natural law.)

It depends upon the consent of the multitude to ordain over themselves a king, consul or other magistrates.

(Right of people to select their magistrates.)

And if there be a lawful cause, the multitude may change the kingdom into an aristocracy or democracy.

(Right of the people to change and determine the form of government.)

from the consent of the governed.

(Sovereignty resides in the people.)

That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

(Right of people to select their magistrates.)

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off

all men.)

That power is, by God and nature, vested in, and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

(Sovereignty resides in the people, right of people to select magistrates; the rights of governing and governed are derived from the divine and natural law.)

That government is, or ought to be instituted for the common benefit and security of the people, nation or community. Of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration. And that whenever any government shall be found inadequate, or contrary to these purposes, a majority of the community hath an undoubted, inalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most condu-

such government, and to provide new guards for their fu- ture security.	cive to the public weal.
(Right of the peo- ple to change and determine the form of gov- ernment.)	(Right of the peo- ple to change and determine the form of gov- ernment.)

It is in the first paragraph of the American declaration that Jefferson declares the rights and duties of the governing and governed are derived from the Divine and natural law.

In Filmer's compendium of Bellarmine's philosophy as given above, is contained the identical five principles which Jefferson recommended to the good people of Virginia "as the basis and foundation of their government," and which he also incorporated in his preamble to the Declaration of Independence and submitted to his committee. It is by such conclusive internal evidence that Hunt is justified in asserting: "Neither in Sidney nor in Locke, nor in the writings of any author with whom they (Mason and Jefferson) were familiar is there as complete an epitome of the doctrine they announced."¹⁹⁷

Can it be that this similarity is a mere coincidence? If any one shall claim it, he will also have to admit that it is a most remarkable coincidence, for the two preambles contained no more and no less than the fundamental democratic principles contained in Filmer's quotation from Bellarmine, though one of the principles in the American preamble is clothed in the phraseology of Locke. Is there anything to indicate that the political philosophy of Bellarmine was known to Jefferson, and thus support this internal evidence with external evidence?

Jefferson's own copy of Filmer's *Patriarcha* still exists in the Library of Congress.¹⁹⁸ Jefferson, therefore, must have read this epitome of Bellarmine as given by Filmer. The word *must* has been used, we think, justifiably, because it

¹⁹⁷ Hunt, *sup. cit.*, p. 288.

¹⁹⁸ *Ibid.*

was undoubtedly due to the attacks made on Filmer by Locke and Sidney, Jefferson's two favorite authors, that caused Jefferson to get and read a copy of Filmer's controversy with Bellarmine.

The evidence would seem to indicate that Jefferson was acquainted with, and probably had read, some of Bellarmine's treatises. First, because he had been graduated from William and Mary College, a Church of England institution, noted as a center of religious controversy, and wherever religious controversy raged there Bellarmine was known and read. Bellarmine was the greatest Catholic controversialist of his own and of subsequent times. When he was a teacher in the University of Louvain Protestants as well as Catholics attended his sermons and lectures. He was a commanding figure in the field of religious and political controversy for Protestant and Catholic. William and Mary College was more or less closely allied with the Universities of Oxford and Cambridge, between them there was an intercommunication of religious and political thought. At both Oxford and Cambridge anti-Bellarmino chairs had been established,¹⁹⁹ chairs for the study and refutation of Bellarmine's democratic doctrines that opposed the divine right of kings. Those Virginian families who could afford it had sent their sons to Oxford or Cambridge to be educated.²⁰⁰ These students could hardly have returned to America unacquainted with Bellarmine, and their acquaintance with him would have made him known and popular in Virginia. Bellarmine had drawn the fire of King James and his satellite Filmer, because of his advocacy of democracy, and modern advertising has not yet discovered a method to popularize an author that can compare with the popularity attained in times past by any one who, for his championing the rights of the masses, became the object of a king's attack.

Second, because Sidney in his *Discourse on Government*

¹⁹⁹ Cf. "Dictionnaire de Theologie Catholique," Column 598, Vol. II.

²⁰⁰ De Bow's Review, p. 137, Vol. 27, 1859.

stated that he had read some of Bellarmine's works and agreed with him in certain particulars. This necessarily brought some of Bellarmine's doctrines on the intellectual horizon of Jefferson, and it is generally admitted by Jefferson's biographers that he read everything he heard of and could find written on political philosophy. The citation of Bellarmine by Sidney would, in all probability, cause Jefferson to look into the works of Bellarmine, copies of which he could readily find in libraries in Virginia; they were also in the library at Princeton, where James Madison had been graduated.²⁰¹

Notwithstanding this circumstantial evidence, it is possible that Jefferson did not read any of Bellarmine's works, but whether he did or not, there was the essence of Bellarmine's politics in the first dozen pages of the "*Patriarcha*" which Jefferson could not have escaped, and having once read it, the extraordinary identity of the principles existing between it and the Virginian and American preambles is accounted for by the fact, narrated by Jefferson's biographers, that he had a most tenacious memory and was gifted with a wonderful faculty of expressing thoughts digested.

Did Jefferson claim any originality for his declarations? None at all. But he did claim not to have "copied" them from "any particular or previous writings." On the evidence presented the judgment is left to the reader whether his claim may be allowed. In the sense that they were not a verbatim copy the claim is certainly justified. To Henry Lee, who had accused him of plagiarism at the time the American preamble was written, Jefferson wrote from Monticello, May 8, 1825, as follows:

"DEAR SIR:

. . . All American Whigs thought alike on these subjects. When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments never before thought of, not merely to say things which had never been said before, but to place before mankind a common sense of the subject in terms so

²⁰¹ Hunt, *sup. cit.*, p. 286.

plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principles or sentiment, nor yet copied from any particular or previous writings, it was intended to be an expression of the American mind and to give to that expression the proper tone and spirit called for by the occasion. All its authority rests then on harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc."²⁰²

Did Jefferson include Bellarmine in his "etc."?

With much truth did Jefferson write: "Not to find out new principles or new arguments never before thought of, not merely to say things which had never been said before," because every political principle he penned had been "thought of" and "said before" by Catholic theologians and philosophers hundreds of years prior to his compositions. They are not, however, to be found in the works of the reformers or their adherents, except when filched from some Catholic source. This statement, it is admitted, is out of harmony with that of many of our present-day Fourth-of-July and pulpit orators and school text-books; but as is evident from what has been written in these pages on the evolution of democracy, these channels of misinformation more frequently serve the purposes of party propaganda than for the announcement of historical facts. Many of these hands-across-the-sea-English-cousin Americans would have us believe that it was to the Pilgrim Fathers and the Puritans of Massachusetts that we are most indebted for our American democracy, but even the superficial student of American history knows that the Puritans had not the slightest conception of real democracy. Religious freedom, without which there can be no real democracy, was unknown and inconceivable to them. Theirs was a democracy of the elect of God, with Puritans only as the elect. Religious persecution they fled from, only to establish it more firmly on American soil. The union of church and State was abhorrent to them—when it was not a union with their church—so they established a complete union of State with

²⁰² Ford, *sup. cit.*, Vol. X, p. 343.

their church as soon as they landed in America. There is no tradition more palpably false than that which accredits the Puritans, especially those of Massachusetts, with the fatherhood of American democracy. It is one of the **many** myths on which generations of Americans have been fed.

If there is a colony among the original thirteen that deserves more credit than the others for idealizing American democracy and helping in its permanent establishment, that colony is Virginia. She it was who led the movement to break with the mother country and who proclaimed the true conception of political liberty. Her sons contributed more military, intellectual, moral and financial aid than did those of any other single colony, and among these sons of this "Mother of States and of Statesmen" the greatest advocate of true democracy was Thomas Jefferson. None opposed special privilege, class exemption, religious intolerance and a strong centralized government more than he did. He was the friend of the masses in proclaiming their natural and God-given rights, which it was the object of government to secure. In his attitude toward negro slavery he anticipated the immortal Lincoln. But in no particular doctrine did he rise to such democratic heights, as when he proclaimed civil magistrates to be the trusted servants, not the masters, of those they governed, and especially in this did his practice accord with his precept.

Not in the philosophy of Aristotle, Cicero or any of the ancients, which taught that the individual was for society, not society for the individual, did Jefferson find support and justification for his proclamations on the natural rights of man. Both Greek and Roman demanded always that the individual offer up his natural rights as a holocaust on the altar of governmental might. Nor did Jefferson find support and justification in the philosophy of Luther, Calvin, Knox or any of the reformers, which considered the individual as a pawn in a game of chess for the benefit of king and queen. The sovereignty of the people, the political equality and freedom of all men, the right of the people to select their magistrates and to change and determine the

form of government, which Jefferson proclaimed in the Declaration of Independence, finds no support in the philosophy of the Reformation which proclaimed the divine right of kings and their hereditary right of succession, the necessity of passive obedience, the union of church and State, and the faith of the people must be that of their rulers. But it does find support in the philosophy of Catholicism which teaches that all men are possessed of rights derived from the Divine and natural law, the same principles upon which Jefferson founded American democracy.

What matters it whether Jefferson's pronouncements were original or not? He clothed them as they had never been clothed before, he stamped them with the phrase and thought of his time, he voiced the feelings, ideals and aspirations of a people and of an age, and that is the work of genius. It is not given to any man to create, but only to adorn.

PART VIII.

NATURAL RIGHTS

Much has been written in these pages of natural rights and the natural law. The theory that there are natural rights derived from the natural law no longer obtains favor with a large class of modern authors and writers on social and political economy. They deny man is endowed with any natural rights by the operation of a natural law, and assert that the State, or Social Expediency, is the source of all political and social rights. This theory is absolutely un-American because it destroys the very foundation of our democratic institutions. It would seem that it was in a moment of almost Divine inspiration that the fathers of our Republic declared that the rights of American citizens were derived from the "laws of nature and of nature's God." for on such an immutable basis the natural rights to life, liberty and property of succeeding generations were secure forever.

What is meant by the natural law? What is meant by a natural right? What is the philosophical basis of each?

The law is termed natural because it is founded on the very nature of man, and also because by a natural process—that of reasoning—the duties it imposes and the rights it confers are evident to all men at all times. It possesses the qualities of immutability and universality—immutability, because the nature and end of man being always the same, the law of his being remains constant; universality, because it is obligatory on all men, being creatures, at all times and everywhere to live the life of their rational nature willed by their Creator, the guide of which is right reason. The natural law thus finds its standard in human nature, its sanction in Divine authority and its guide in reason

properly exercised, and it may be defined as that course of action a finite rational being must follow to arrive at the end ordained for it by the Infinite. It differs essentially from the laws of nature which govern the irrational organic and inorganic beings of the universe.

It is axiomatic that action follows being—*actio sequitur esse*—that is, all beings act in accord with their nature. The bee produces honey, the cow milk, the chicken eggs, but the snake can do none of the three. Apples do not grow on grapevines, nor do peas spring from tulip bulbs. So, too, the eye was made for seeing, not smelling; the ear for hearing, not tasting. That organs, as well as all beings of the vegetable and animal kingdoms, act in accord with their nature—follow a law of nature blindly and without knowledge of their course or end—the most rabid opponents of the natural rights of man could not deny.

Neither could they deny the testimony of all peoples of all ages that man is essentially a moral being. Early in his life he perceives the order and harmony existing in the universe, and logically concludes that they are the effects of an Intelligent Cause. His reason dictates that he, too, should be an element in this order and harmony, not an element of disorder and discord. Unlike all other beings of the material universe who are predetermined in their course and end, man, on account of his intelligence and free-will, is the arbiter of his actions, and may deviate from his normal end if he chooses. Reason and experience, however, teach him that for the good of order and preservation of harmony he must perform certain actions and abstain from doing others; that is, it is his duty, at all times, to "Do good and avoid evil." From this primary or fundamental moral principle of action he deduces secondary moral precepts to guide him in the many natural relationships of his domestic, social, political and religious life.

Man is a moral being, then, only because he has duties as a man; duties to God, duties to his neighbor, and duties to himself. Had he no duties he would not be a moral

being. He who admits then, that man is a moral being must necessarily admit that he has duties arising from his nature as a man; that is to say, he has natural duties. But if he has natural duties he must possess natural co-relative rights, for the term "duty" implies the existence of a right—an inviolable moral power over actions and things necessary to perform a duty. It is no more possible to conceive of a duty without a right than it would be possible to conceive of a father or mother without thereby implying the existence of a child.

Negatively the argument may be put as follows: If a man has no natural rights he has no natural duties; if he has no natural duties he has no duties arising from his nature as a man; if he has no duties arising from his nature as a man he is not a moral being—which is absurd.

The philosophical basis of natural rights then is to be found in the nature of man. He is an organism capable of life, development and reproduction. It is his duty so to act that he may live, develop mentally, physically and morally, and reproduce his species; and he has a right, which neither men nor governments can deny him, to do whatever is necessary for the accomplishment of these purposes inherent in his very nature. "The natural law is the foundation of all human law inasmuch as it ordains that man shall live in society, and society for its constitution requires the existence of an authority, which shall possess the moral power necessary to control the members and direct them to the common good. Human laws are valid and equitable only in so far as they correspond with, and enforce or supplement the natural law; they are null and void when they conflict with it." According to Catholic judicial writers, man's principal natural rights are: the right to life, the right to liberty, the right to his own perfection, and the right to his ultimate end, which is his happiness. Included in these, however, are many subsidiary ones, such as the right to an education, the right to his children, the right to marriage, the right to property, etc.

Of all the attacks current at the present time on the

natural rights of man, the most concerted, persistent and vicious assault is directed against the right of property. The following passages, given as an illustration of this, are taken from a book whose author need not be named because the passages quoted are typical, not individual. However, it is to be noted in passing that the book in question is used in one of the largest public school systems in the United States and herein lies the great danger; the minds of the adolescent youths of today, who will be the citizens of tomorrow, are being fed on dogmas subversive of our government, and should they in the future act on the logical conclusions that follow from such premises they would necessarily destroy American democracy.

"The right of private property is so fundamental in our modern civilization that we hardly think of it as resting on the will or consent of society, maintained only by the constant vigilance on the part of society, and subject even now to slow and gradual modification. Still less, perhaps, has it ever appeared to most of us as a right that is open to question. The reason for this attitude of mind is that people are ruled in great measure by custom rather than by the light of history and of reason. When any customary right has spread very widely and become deeply rooted in society, men fall into the error of calling it a 'natural right.' There is, to be sure, a sense in which the property right may be called natural, namely, that the right has been rather the result of a natural evolution than of any conscious convention. But, as usually employed, the term natural right implies that the right is 'established by nature' and hence is not to be called in question. In reality there are no such rights. A man in isolation could obviously have no 'rights' whatever. The word rights necessarily implies society, and points to the origin of rights not in any abstract nature, but in the grouping of men."

"The Basis of Human Rights.—What then, is the basis of human rights? The preceding discussion should have made it clear that rights do not come from nature in the sense that they thus gain a standing and authority in-

dependent of the will or consent of society. Neither are such rights absolute or inherent, though those words have often been mistakenly used in describing them. Private property, contract, personal liberty, and all the other 'rights of men' must justify themselves by proving that they promote the highest welfare of mankind. As the Latin phrase has it, '*Sal publica suprema lex.*' Some of us may believe that it is in the "very nature of things" that personal liberty, for example, will best serve human welfare, but we cannot ask or expect others to take this for granted on our unsupported assertion. And when we admit we must prove the social beneficence of private property or personal liberty, we have already practically abandoned the 'natural rights' argument, in the dogmatic form already described. Practically speaking, therefore, we may all agree that the *basis of human rights is social expediency—the proved power to promote the well-being of man in society.*"

Such an unphilosophical dissertation on the origin of rights in an American school text-book should gladden the heart of a socialist, bolshevist or anarchist, but to a true American it can only cause indignation or chagrin.

Had the author of the above passages been ruled, to use his own words, "by the light of history and of reason," he would have written something like the following: historically, the individual existed before the family, therefore his rights are prior to the family's; the family existed before the State, therefore its rights are prior to, and independent of the State's, which possesses no rights other than those delegated by the families constituting it. Or writing philosophically he should have argued: since man by his natural form is capable of living, he has a natural right to life. But if he has a natural right to life he must have a natural right to that which sustains life, namely the fruits of the earth. And if he has a natural right to the fruits of the earth he has a natural right to that which produces the fruits, which is property. His abstract right to property, then, is independent of the State, exists before society is

established, and would be possessed and exercised by him even though he were in a state of "isolation."

Or again he should have argued: "The ultimate foundation of ownership cannot lie in the social contract. Men could never have set out to divide goods, if they had not previously the right to dispose of them, that is to say, the right of ownership, at least the abstract right; they could not agree to share goods over which they had no right. Ownership must therefore logically precede the social compact instead of being derived from it, it must furnish the basis for the contract. An agreement may affect the transference of a right, or regulate its use, but never can it create one."²⁰³ Similar to this was the argument of Locke, the favorite philosopher of the American Revolutionists: "*The supreme power cannot take from any man any part of his property without his own consent; for the preservation of property being the end of government, and that for which men enter into society, it necessarily supposes and requires, that the people should have property without which they must be supposed to lose that, by entering into society; which was the end for which they entered into it: too gross an absurdity for any man to own.*"²⁰⁴

That the abstract right to property is derived from society, or rests on the will and consent of society, can be proved by neither history nor philosophy. Society may regulate, control or transfer a concrete right of a particular person to property, but it can never give it being.

It is equally fallacious to maintain that the State is the source of man's social rights, for these too are derived from his nature. Endowed with the natural gifts of intellect, organs of reproduction, and the power of speech whereby he can communicate his ideas to his fellowman, he is thus essentially constituted a rational social animal. His social rights, therefore, arise from the duty incumbent upon him to exercise and to develop these social faculties or powers,

²⁰³ "A Manual of Modern Scholastic Philosophy," by Cardinal Mercier, Vol. II, p. 281.

²⁰⁴ "Two Treatises on Government," sup. cit., p. 308.

and consequently, in the final analysis, whatever social rights he has must come from his rational social animal nature.

To preserve the equilibrium of one's political thought in this age of intellectual anarchy, it is necessary to keep constantly in mind that the State is the servant, not the master, of those who compose it. The primary object of its existence is the common welfare which is attained when everyone is secure in his legitimate material and spiritual possessions. The rights of the State are limited to the domain of the political life or civil status of its members, and it may never, by positive statute, decree what would conflict with the natural or Divine law. To idolize it by attributing to it powers it does not possess, would eventually rear a monster of tyranny; and that there is a present tendency in this direction the enactment of the Eighteenth Amendment would seem to indicate. The right of Prohibition, added to the Constitution, is the first successful attempt made to delegate to the Federal Government a power which denies man the exercise of a natural right. It is to be hoped, however, that it does not represent the will of the majority of the electorate. If it does, then it predicates a deterioration in the political thought processes of modern Americans. Rather is it to be hoped, it is what many claim, the result of an intensive and extensive campaign conducted by a well-organized group of puritanical fanatics who would substitute as the factor of moral rectitude a civil code for the personal obligation of the creature to his Creator.

The assertion that the Eighteenth Amendment denies a natural right of man will be disputed by many. How does it conflict with the natural law? The five senses possessed by man are his means of communication with the external world. Their primary function is to receive sensible impressions which are the material cause of his intellectual development. But besides their primary natural function they have a secondary one; the pleasure or gratification given by their mere use, conditional always on their use being in accord with right reason. It is this natural right

Prohibition denies. The gratification of the sense of taste—a natural right—by alcoholic beverages has been denied all men because on account of the personal equation there are some who abuse it by irrational use.

What has Catholicism had to do with the natural law? From her beginning she has been its most explicit expounder, strongest advocate and watchful defender, always insisting that it was a part of the Divine Law and binding on governments as well as men. Her conception and teaching of it differed radically too from that of the Greeks and Romans. With them the great majority of mankind did not come within its scope. According to their jurisprudence only beings endowed with civil status were persons. Hence slaves, whether such by birth or captivity, were things, not persons, and consequently possessed no natural rights. With Catholicism this was not so. The fact that a being was human was sufficient to endow it with the natural rights common to all men because of their common nature, origin and destiny. This was the doctrine of her Founder which she instilled into the minds of all the peoples she evangelized. Whatever political, religious and social liberty the people of Europe possess they owe to the applied Catholic interpretation of the natural law.

And American democracy is no less indebted to her through Locke and Hooker whose immediate source was the Scholastics. America's debt, however, is not confined to the past. Today from every primary, secondary, collegiate and post-graduate school conducted under her auspices the pupils of Catholicism go forth bearing the same torch of liberty, while in the secular institutions of learning every ism from socialism to anarchism is propagated by neophytes in the science of State policy whose converts and adherents can only establish their system of government on the ruins of public liberty. In the United States, of America today, the philosophy of Catholicism is the greatest and strongest bulwark against the insidious propaganda being conducted for the establishment of a strong centralized government of bureaucrats, who would, if they could, exercise arbitrary

jurisdiction over the daily acts of man from the cradle to the grave, if indeed they would be content to stop there, and not seek to determine his allotment of material, psychic and spiritual goods. "Bad government has grown out of too much government. It is a sort of inherent characteristic of all government, as of all conscious organisms, yearly and almost daily, to take to itself more and more jurisdiction, to increase the force and weight and numbers of officialdom, until, after a while, the structure becomes top-heavy, and must fall by its own weight; or else, upon the other hand—remaining administratively efficient,—it holds the people in servile subjection. I know of no government, which has ever once been strong and then fallen (except where it has been conquered by outside force), that did not go to its ruin because it had become gradually, even insidiously, cumbersome, top-heavy, unwieldy, complicated, almost incomprehensible; in a word, had assumed to itself more powers than could possibly be wisely administered by fallible men."²⁰⁵

²⁰⁵ "Thomas Jefferson," by John Sharpe Williams, p. 49. New York, Columbia University Press, 1913.

PART IX.

ROUSSEAU AND AMERICAN DEMOCRACY

Concurrent with the attack on the right of property there is a propaganda being carried on, in many instances by the same class of writers who attack the right of property, claiming Rousseau as the source of the political principles crystallized in the American charter of liberties. By some of them it is inferred, by others it is asserted as a fact, with as much reason and as little truth and proof, that if the Social Contract was not the source from whence the political principles embodied in our Declaration of Independence were derived, it was at least very influential in forming colonial political ideals. There is no internal or external evidence to justify any such contention, and the inference or assertion can find favor only with those with whom the wish is father of the thought, and who, regardless of historical facts, are intent upon establishing a theory in agreement with preconceived ideas.

As to external evidence. The *Social Contract* was not published until 1762. If two years be allowed for translations and widespread circulation, it would be 1764 before Rousseau's treatise could have exerted any influence in America. Political theories of government, which in America as well as elsewhere, were of slow growth and development, were well established in the minds of colonial statesmen before 1764. Existing records show that only two theories of government were known and discussed before 1776, viz., the divine right of kings, and all governments derive their just powers from the consent of the governed. No such fanciful and unphilosophical theory of government as the *Social Contract* confused the minds of our pre-revolutionary statesmen.

In proof of this let the Stamp Act Congress and the

events leading up to it be given as an example. In May, 1765, Virginia passed resolutions, offered by Patrick Henry, declaring the people of Virginia possessed, in virtue of their charters, all the rights and privileges of Englishmen, among which was the right to be taxed by their own assembly. Massachusetts, following the action of Virginia, called for a Congress of representatives of the several colonies to meet in New York. In October, 1765, this Congress, known as the Stamp Act Congress, met and in its "Declaration of Rights and Grievances" maintained that Americans, being British subjects, had the natural right of a British subject to tax himself, and since they were not represented in the British Parliament any attempt by it to levy a tax on them was an infringement on the rights of Englishmen and the liberty of self-government. The special grievances they enumerated were: the restrictions placed on their trade, the Sugar Act, the Stamp Act, the denial of their right of jury trial in admiralty courts, and the attempt to tax them without their consent.

Is there a believer in the Rousseauian parentage of American democracy who claims that the *Social Contract* could have affected political thought in America by 1765? If there is, can he show any similarity of thought between the *Social Contract* and the claims that Charters given to Americans bestowed on them the same rights possessed by Englishmen, and that taxation without the consent of those taxed was an infringement on the liberty of self-government? The colonists sought not the fulfilment of any obligations arising from a social contract made with their English cousins; they were demanding that the natural rights of English subjects be recognized.

In the catalogs of Virginia colonial libraries that have been printed in the Virginia Magazine and the William and Mary Quarterly, the works of Rousseau are conspicuous by their absence. In neither publication have they ever been recorded. Hunt states that "Rousseau's writing

had not obtained currency in Virginia in 1776.²⁰⁶ There is no positive evidence that Jefferson ever read the *Social Contract* prior to 1776, but there is an abundance of evidence that Jefferson's views in 1776 were those of his associates, who knew nothing about French philosophy. There is yet another fact to be considered. Rousseau in his *Discourse on the origin and foundations of the inequality among men*, published in 1755, declaimed against and attacked the rights of property. Now this right of property was the very bone of contention between the colonies and the mother country. The colonies were insisting on the recognition of this right when they refused to permit England to confiscate, in the form of taxation, their private property without their consent and for other than their benefit. Rousseau in denying the right of private property upheld and justified George III, theoretically at least, in his colonial policy of taxation. If this work of Rousseau and his philosophy were known, it is incredible to suppose that any subsequent writings of such an author would become popular with, and idealized by American Whigs. Rather would it be more reasonable to expect that they would arouse distrust and suspicion.

That American political theories were not contaminated by French philosophy prior to 1776 is the assertion of no less an authority than James Bryce. From his researches and studies of American institutions of the colonial period, he concludes that "the influence of France and her philosophers belongs chiefly to the years succeeding 1789, when Jefferson, who was fortunately absent in Paris during the Constitutional Convention, headed the democratic propaganda."²⁰⁷ And John Sharpe Williams writes: "Much has been said about Jefferson's being influenced by Rousseau's 'Contract Social' . . . Jefferson never read Rousseau until long after his own political opinions had been formed. Indeed if he read him at all, I can find no trace of it."²⁰⁸

²⁰⁶ Hunt, sup. cit., p. 278.

²⁰⁷ Bryce, sup. cit., p. 27, Vol. I.

²⁰⁸ J. S. Williams, sup. cit., Intro. p. 5.

John Fiske in his *Thomas Jefferson, the conservative Reformer* states: "Because in later years Jefferson came to be the head of a party which sympathized with revolutionary France, there has come into existence a legendary view of him as a sort of French doctrinaire politician and disciple of Rousseau. Nothing could be more grotesquely absurd."²⁰⁹ If the chronological order of events be considered, French political philosophy influenced not America, but American political philosophy influenced France; and the emigration of many French soldiers and officers to France after the Revolution attests this to be more probably the truth.

Unless some hitherto undiscovered evidence can be presented to destroy the value of these facts, the known external evidence would indicate that Rousseau's influence on American political ideals was nil; and this conclusion is more fully justified when the internal evidence is considered.

On account of the political vagaries of the *Social Contract*, it is quite possible for the democrat, the socialist, the anarchist, and perhaps most justly, the aristocrat, to claim Rousseau as the exponent of his political philosophy. This attribute of divers interpretation is due to the contradictory, inconsistent and illogical theory of the structure of the body politic embodied in his treatise. A rhetorician, and not a philosopher, Rousseau did naught but popularize with the proletariat the theory of government that sovereignty rests ultimately in the multitude and that civil society is established with and by their consent—a theory taught centuries before by the Scholastics, but with more logic and consistency than by the "Father of the French Revolution." The popularity his ideals attained was due more to the decayed condition of the State during his time than to any inherent excellence in his theory of government.

Not without reason has it been stated that Rousseau, because of his early training in the doctrines of Calvinism,

²⁰⁹ The Chapter is to be found in his "Essays Historical and Literary," Vol. I. New York, Marmillan & Co. 1902.

was an aristocrat at heart. It is impossible to read Chap. V., Bk. 3, and not conclude that Rousseau believed in and advocated the aristocratic form of government, for he specifically states, in discussing the relative merits of the different forms, that "an elective aristocracy is the best of all governments."²¹⁰ In Chap. IV., Bk. 3, he arraigns *democracy* before the tribunal of philosophy, and after her examination is concluded he sums up the arguments pro and con by stating: "If there were a nation of Gods, it would be governed democratically. So perfect a government is unsuited to man." Yet he is considered by some an apostle of democracy!

The fundamental principle of Rousseau's theory was the subordination of the individual to the State—every individual was to be in absolute dependence on the State.²¹¹ "Every member of the community at the moment of its formation gives himself up to it, just as he is himself and all his powers, of which the property he possesses forms a part . . . for the State, with regard to its members, is owner of all their property by the social contract, which, in the State, serves as the basis of all rights."²¹² And further on he states that life itself after the social treaty "is no longer merely a gift of nature, but a conditional gift of the State."²¹³ Such principles as these are not found in our American Declaration of Independence. Our forefathers claimed as the basis of all rights, not the State, but "the laws of nature and of Nature's God," that is, the endowment of man with certain inalienable rights was from Divine and natural law, and the State was instituted to secure him in these rights, not to bestow them on him. The State had no rights other than those delegated to it by the people, who being sovereign, could add or subtract as occasion re-

²¹⁰ "The Social Contract" by Jean Jacques Rousseau. Translated with a Historical and Critical Introduction and Notes by H. J. Tozer, M.A. London, G. Allen & Co. 1912.

²¹¹ Ibid. P. 3 and p. 147.

²¹² Ibid. P. 115.

²¹³ Ibid. P. 129.

quired, limited only by the Divine and natural law. No such absurd theory ever entered the minds of Jefferson and his associates that after having given all they possessed to the State, they received in return whatever the State thought fitting and proper. They founded a new government to secure them in their right to life, liberty and the pursuit of happiness, not to endow them with these, their God-given and natural rights.

In Chap. VIII, Bk. 3, Rousseau denies that all men are entitled to liberty, for liberty, he declares, depends on "natural causes," such as climate, condition of soil, etc. Now of all the truths we hold to be self-evident none is so important and fundamental as the inalienable right to liberty with which the Creator has endowed all men, regardless of "natural causes."

The blessings of liberty of conscience, which we possess and enjoy, could never have been inspired by Rousseau. True to his Calvinism, he advocated the establishment of a State religion with a profession of faith, the definite dogmas of which were to be determined by the State, and those who refused to believe, or acted as unbelievers, he would punish with banishment or death.²¹⁴ No such principle is incorporated in our charter of liberties.

Rousseau differed radically from our political idealists in the causes giving governments being. With him governments are pure conventions, arbitrary and artificial in their beginnings. He fails to recognize in the *Social Contract* the natural impulse of men to associate together for their common good and full development. Social life with him is not founded on the natural law, or the result of any mandate of the natural law; nor is the content of the natural law obligatory upon the multitude. Natural law according to him is the law of savage, not of civilized man. "To assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them" is not to be found in the political phil-

²¹⁴ Ibid. P. 227.

osophy of Rousseau. On the contrary it is in direct opposition to it.

If it be maintained that there is a similarity between the two philosophies because of the principles common to both; that sovereignty resides in the people, that the object of government is the common welfare, that the people have the right to determine the form of government and limit it as they wish, that the relation existing between the governing and the governed is a contractual one, the answer is that these were not original with Rousseau nor were they taken from him. These principles Rousseau took from Hobbes and Hobbes from the Jesuit Parsons. Even Tozer admits that Rosseau borrowed from Hobbes the true "conception of sovereignty."²¹⁵ American political philosophy is indebted to Locke, Sidney and Bellarmine, for these doctrines, not to Rousseau. Rousseau frankly admitted in his "Letters from the Mountain" that he "treated the same subject on exactly the same principles as Locke,"²¹⁶ and it is undoubtedly due to this that some attribute to Rousseau what should be attributed to Locke. Locke and not Rousseau was the philosopher known and universally read by American Whigs; and it is from Locke, as has already been noted, that our forefathers derived the theory of the natural law being the basis of our political rights.

While it is true that Rousseau borrowed much from Locke yet it is also true that it is to Hobbes he is most indebted. The principles of the philosopher Hobbes were expounded and popularized by the rhetorician Rousseau, and it is well for the present generation of Americans that the principles they held in common were not incorporated in our system of government. They both erred in teaching the State—the majority—was absolute and omnipotent. Now if the principle of State omnipotence be accepted as a truth, then there can be no such thing as personal liberty, for the liberty of the multitude is of necessity opposed to

²¹⁵ Ibid. Intro. p. 37.

²¹⁶ Ibid. P. 36.

the dogma that the State is absolute and omnipotent. Their theory that the source of power was derived from the general will which is always right²¹⁷, is based on the ultra-democratic doctrine that all are intellectually, politically and morally equal—a most fallacious principle. Intelligent and moral action is not necessarily a prerogative of the majority or general will; on the contrary, the expression of the general will is more often the voice of passion or emotion, and hence is not to be followed unless what it dictates is in accord with the Divine and natural law. In any political entity it is not the general will, but what is right, that should determine the course of the State. Instead of the Catholic conception that the State is a necessary good for the welfare of individuals and commands their obedience, both Rousseau and Hobbes conceived the State to be a necessary evil, and by the “latitude and vagueness” of their doctrine of individual obedience, they laid the foundation of the anarchistic doctrines of government which exist today; and this in spite of their ideal of an absolute and omnipotent state.

Rousseau contributed nothing original to political thought. He did, however, carry out the principles of the Protestant Reformers of the Sixteenth Century to their logical terminations, which resulted in an individualistic, materialistic and atheistic philosophy. There is no internal or external evidence that he was in any way an inspiration to the author of the American Declaration of Independence, the gratuitous assertion of some few pseudo-historians to the contrary notwithstanding.

In the chapter on *The Rights of Man*, Sidney G. Fisher in his *True History of the American Revolution*²¹⁸ ably refutes the theory of the Rousseauian parentage of our American democracy. He rightly attributes to Locke the great influence of his treatises, and rightly gives as Locke's source the *Ecclesiastical Polity* of Hooker. He fails, how-

²¹⁷ Ibid. P. 123 and p. 133.

²¹⁸ J. B. Lippencott Co. 1902.

ever, to mention the influence of Algernon Sidney, which was more universal than that of Grotius, Puffendorf or Burlamaque, whom he cites as contributing sources. To Burlamaque's *Principles of natural and politic law* he attributes much more credit than is its due. But why, in tracing the genealogy of American political thought, did Fisher stop at Hooker? Did he know and suppress, or was he unacquainted with the fact that Hooker's influence was the influence of Scholasticism on English political thought, and, therefore, according to his own theory, the hereditary descent of the Declaration of Independence would be Scholasticism to Hooker and Grotius; Hooker and Grotius to Puffendorf, Burlamaque, Locke and Sidney; Locke, Sidney, etc., to the fathers of the American republic.

Enough has already been written to show that when Fisher couples "artificial scholasticism" with the "despotism of the middle ages" he knows nothing of Scholastic Philosophy, for the mere tyro in Scholastic Philosophy knows that "arbitrary institutions" find condemnation, not sanction, in the writings of the Schoolmen. Arbitrary and despotic governments arise in laws founded on the action of the will alone. With the Schoolmen the term law necessarily supposed an act of reason and an act of will; that is, all civil laws had to be the product of two factors: an enlightened intellect and an upright will. "Reason receives its motive power from the will, as we have observed above (quaest 17, art. 1); for whilst the will seeks the end, reason enjoins the means of its attainment; but the will to have the force of law, must be guided by reason. In this sense only can the will of a sovereign be said to have the force of law; in any other sense it would not be law, but injustice." Which is more productive of arbitrary and despotic government, this doctrine of the Schoolmen as expressed by Thomas Aquinas in his *Treatise on Law*,²¹⁹ or the divine right and absolute power of the sovereign of the Protestant Reformers? In reason and not in the will of

²¹⁹ Quaest, 90, art. 1.

another is to be found the origin of the obligation of the multitude to established laws, and the Scholastic doctrine is universally accepted today because it rests on the solid and indestructible foundation of the Eternal Law.

It would seem that Fisher was content with tracing the genealogy only as far as Hooker because had he mentioned Hooker's sources he could not have drawn the false conclusion he does on pp. 142 and 143, viz., that the general source of America's ideal of liberty is to be found in the principle of private interpretation enunciated by the Protestant Reformers of the Sixteenth Century. It is such an *ex parte* statement as this that makes it imperative for the student of history to know the historian's party as well as what he writes.

It is unphilosophical and historically false for Fisher to claim the right of private interpretation as the creature of Protestantism. Unphilosophical, because it could not be the cause of that which it was itself an effect. Historically false, because it was the principle of thought and action of every rebel against legitimate authority since the beginning of time. Essentially founded on intellectual pride, it was enunciated for the first time in the "non serviam" of Lucifer, and when Luther wrote his name indelibly on the scroll of the world's heresiarchs as an exponent of the dogma, he saw preceding his that of Arius, Pelagius, Nestorius, Huss, Wycliffe and a host of others whose motive was the same, to destroy legitimate authority and set up their own on its ruins.

The ideal of Americans of 1776 was political liberty, not political license, and political liberty consists in being the slave of law, as intellectual liberty consists in being the slave of truth. The principle of private interpretation applied to Divine, human or natural law is not productive of liberty but of anarchy. The right of the individual to interpret privately the laws of God or man has always been denied by Catholicism because such interpretation would depend on the individual's knowledge or lack of it, his self-

interest, and his ephemeral emotions and passions. But to allow the interpretation of law to depend on these three factors would be unethical and immoral. The principle of interpretation by lawfully constituted authority is true, not because it is taught by Catholicism, but it is taught by Catholicism because it is ethically and morally true. It was true before Catholicism existed, it would be true should Catholicism cease to exist, for it is a principle of eternal justice, independent of time or clime, or of any school of thought.

In their political life the American patriots applied this principle of Catholicism by establishing courts, inferior and superior, whose function it was to interpret common and statute law, there being a supreme tribunal from whose decision there was no appeal. Had they applied the fundamental Protestant principle of private interpretation, the condition of political life in the United States today would be analagous to the anarchy and instability that prevails in the religious sects and their offsprings that separated themselves from Rome in the Sixteenth Century. But why was it that the Catholic and not the Protestant principle was adopted? Because a principle of action is true in the political order only when it is true in the moral order, and the private interpretation of human law is unethical and immoral for the same reasons that private interpretation of the Divine Law is immoral: truth and justice would be frustrated by the same three factors mentioned above.

There is no foundation in fact for this glib assertion of many modern writers who, like Fisher, see political and intellectual freedom from "monkish" tyranny and superstition in this principle of the right of private interpretation. When applied to natural and political philosophy it is true that private interpretation of phenomena, when guided by reason and verified by experience, is a criterion of truth. This the Scholastics taught centuries before the birth of the so-called Reformation. But the history of mankind proves that only the very few have made any discoveries by the light of reason, because with the vast

majority reason is a faculty atrophied from lack of use. The instinct of faith—strong in human nature—has made most men content to follow, knowing how colossal is the task to lead. Whether most moderns who pride themselves on their intellectual and political liberty are willing to admit it or not, the “ipse dixit” of their acknowledged master, and not their reason, is most frequently their motive power of assent to truth. Jefferson sees the truth in what Locke, Burlamaque, Sidney, or Bellarmine wrote, but does not discover it; Locke, Burlamaque, Sidney and Puffendorf in turn saw it in Hooker, Grotius, Suarez or Bellarmine, who saw it in Aquinas and the Scholastics, who recognized it in Aristotle. “Nothing under the sun is new; neither is any man able to say: Behold, this is new, for it hath already gone before in the ages that were before us.”²²⁰

While the political philosophy of Catholicism is largely based on Aristotle's works, especially his *Politics*, it is nevertheless true that many of his fundamental principles were rejected by Catholicism for those of her own philosophers who founded their ideal of civil government on the teachings of their Divine Master. The doctrines of the Stagyrte of infanticide, of man born to slavery by nature, of denial of the right of citizenship to mechanics, found no place in the philosophy of the early Fathers or the Schoolmen. They did not advocate the establishment of any particular form of government, but the principles they enunciated as the fundamentals of politic society, if put into practice, had to it time evolve democracy. It was a necessary and logical result of their doctrines. Such cannot be claimed for the philosophy of Protestantism or the Reformers.

Is Catholicism the mother of American democracy? Was it not she who was the moving cause of its beginning in enunciating the principle, bequeathed to her by her Divine Founder, of the Fatherhood of God and the brotherhood of man? Was it not she who nurtured its infant weakness in her bosom and protected it in its early childhood during the

²²⁰ Ecclesiasties, Chap. 1-10.

dark ages? Was it not she who brought it well on its path in the period of its aboescence in the early Middle Ages, and, by practice and precept, caused it to reach its political and industrial manhood in the later Middle Ages? Was it not she who sought to protect it from the assaults made on it by the so-called Reformers of the Sixteenth Century? Was it not she who, when democracy lay prostrate and wounded unto death by the shafts of the reformers, nursed it back to life in the sanctum of her schools? Was it not she who, by the appeal made to the principles of her philosophers, caused it to regain its inheritance and its former power and prestige in the Seventeenth and Eighteenth Centuries in the Bill of Rights and in the American Declaration of Independence? To these questions, as has been shown in the course of these pages, history answers in the affirmative.

What think you of American Democracy? Whose child is it?

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